

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.06.2019

CORAM:

THE HON'BLE MR. JUSTICE P.D.AUDIKESSAVALU

W.P. No. 1583 of 2018

and

W.M.P.No.1993 of 2018

M.Deepa

... Petitioner

Vs.

1. The District Collector,
Tiruppur - 641 601,
Tiruppur District.

2. The Tahsildar,
Uthukuli,
Uthukuli Taluk,
Tiruppur District.

... Respondents

Prayer:- Writ petition filed under Article 226 of Constitution of India, seeking for a Writ of Mandamus, forbearing the Respondents from interfering with the Petitioner's right to shelter conferred under Article 21 of the Constitution by forcing her to surrender the HSD Patta No.81/1426 in Na. Ka. No.258/2017/A3 dated 03.02.2017 issued under RSO No.21 (7) (ii) by considering her representation dated 02.01.2018.

For Petitioner : Mr.N.Manokaran

For Respondents: Mr.M.Karthikeyan

Additional Government Pleader

सत्यमेव जयते

O R D E R

This Writ Petition has been filed for forbearing the Respondents from interfering with the right to shelter conferred to the Petitioner under Article 21 of the Constitution by forcing her to surrender the HSD Patta No. 81/1426 in Na. Ka. No.258/2017/A3 dated 03.02.2017 issued under RSO No.21 (7) (ii) by considering her representation dated 02.01.2018.

2. Heard Mr. N. Manokaran, Learned Counsel for the Petitioner, Mr. M. Karthikeyan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed

on record, apart from the pleadings of the parties.

3. The case of the Petitioner is that she has been issued patta for the property on 03.02.2017 in which she is residing and the complaint is that the Respondents are forcing her to surrender that patta.

4. The Respondents have filed Counter Affidavit pointing out that the Petitioner was granted patta on her application only for the purpose of constructing a house and living in that property, but the Petitioner has unlawfully changed the use of that property for business activities by running a tailoring unit, which is evidenced by payment of electricity at the rate stipulated for commercial purpose, which has also been produced by the Respondents in support of that contention.

5. In that view of the matter, the question of directing the Respondents to consider the representation of the Petitioner does not arise. However, it is made clear that if the Respondents intend to evict the Petitioner from the property, the same shall be done in consonance with the principles of natural justice in the manner recognized under law.

6. The Writ Petitioner is disposed of on the aforesaid terms. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar (Insp Cell)

//True Copy//

Sub Assistant Registrar

may
To

1. The District Collector,
Tiruppur - 641 601,
Tiruppur District.

2. The Tahsildar,
Uthukuli,
Uthukuli Taluk, Tiruppur District.

+lcc to Mr. N.Manokaran, Advocate, S.R.No. 53666
+lcc to the Government Pleader, S.R.No. 54470

W.P. No. 1583 of 2018

RP(CO)
GN(17/07/2019)