



W.P.(MD)No.16707 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.16707 of 2019

Millet

... Petitioner

-Vs-

1.The District Collector,
Kanyakumari District,
Nagercoil.

2.The Assistant Director,
Fisheries Department,
Nagercoil,
Kanyakumari District.

3.The Thasildar,
Killiyoor Taluk,
Tholaiyavattam and Post,
Kanyakumari District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to issue patta to this petitioner in R.S.Sy.No.525/1 correlated to old Sy.No.18A of kollankode village with respect to 3 cents of land and existing building No. 21-77/22 of Kollankode Town Panchayat within a specified period.

For Petitioner : Mr.K.P.Narayanakumar
For Respondents : Mr.P.Kannithevan, AGP,

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to issue patta to this petitioner in R.S.Sy.No.525/1 correlated to old Sy.No.18A of kollankode village with respect to 3 cents of land and existing building No. 21-77/22 of Kollankode Town Panchayat within a specified period.

2.Heard Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner and Mr.P.Kannithevan, learned Additional Government Pleader appearing for the respondents.



3. With the consent of both sides, this writ petition is disposed of at the admission stage itself.

4. The petitioner claimed that, the respondents, under the free housing scheme for Fishermen, constructed some houses in his village called Kollankode village, Kanyakumari District in R.S.Sy.No.525/1 correlated to old Sy.No.18A of kollankode village with respect to 3 cents of land each and in this regard, house No. 21-77/22 has been allotted to the petitioner and for the past 23 years, the petitioner has been enjoying the said house, pursuant to the said allotment. However, no patta so far has been given by the respondents to the petitioner. Therefore, in this regard, the petitioner has given a representation to the respondents, especially, the third respondent on 13.05.2019. Hence, the learned counsel appearing for the petitioner would submit that, if the said representation is considered on merits by the 3rd respondent and an order to that effect is passed within a time to be stipulated by this Court, the petitioner would be satisfied.

5. I have heard the learned Additional Government Pleader appearing for the respondents, who would submit that, if at all, the petitioner has got any grievance with regard to issuance of patta for his house site, he can seek such remedy from the concerned authority. However, in his representation 13.05.2019, he has stated that not only the petitioner, but number of persons in that village numbering about 65 people, who have been similarly placed as that of the petitioner, have to get patta over their respective house sites. For the relief of all the beneficiaries, such representation has been made to the 2nd respondent. However, this writ petition has been filed only by the petitioner. Therefore, if at all, the representation of the petitioner dated 13.05.2019 has to be considered by the 3rd respondent, the same shall be confined only with regard to the grievance of the petitioner alone and not others as they are not before this Court.

6. Having considered the said submission made by the learned Additional Government Pleader and having regard to the said factual matrix of the case, this Court is inclined to dispose of this writ petition, with the following direction:

"The 3rd respondent is directed to consider the representation of the petitioner dated 13.05.2019 in respect of the petitioner's grievance for issuance of patta to his house site No.No. 21-77/22 situated at Kollankode Town Panchayat in R.S.Sy.No.525/1 correlated to old Sy.No.18A of kollankode village with respect to 3 cents of land. Though in the said representation, the petitioner has sought for remedy in respect of number of beneficiaries in that village, since they are not before this Court, the said representation of the petitioner dated 13.05.2019 shall be confined only to the grievance



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of the petitioner and in this regard, the 3rd respondent shall consider the request of the petitioner as to whether the petitioner is entitled to get patta for his house site allotted to him and accordingly, pass orders thereon, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order."

7. With this direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Collector,
Kanyakumari District,
Nagercoil.

2. The Assistant Director,
Fisheries Department,
Nagercoil,
Kanyakumari District.

3. The Thasildar,
Killiyoor Taluk,
Tholaiyavattam and Post,
Kanyakumari District.

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate SR-79098.

**Order made in
W.P. (MD) No.16707 of 2019**

**Dated:
30.07.2019**

CS (09.09.2019) 3P 5C