



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.18655 of 2019
and W.M.P. (MD) No.15021 of 2019

WEB COPY

1.S.Karuppiah

2.K.Rani

3.S.Kasinathan

4.S.Sathasivam

... Petitioners

Vs.

1.The District Revenue Officer,
O/o. The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.

2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Paramakudi
Ramanathapuram District.

3.The Tahsildar,
Taluk Office,
Paramakudi Post & Taluk
Ramanathapuram

... Respondents

PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents 2 and 3 to consider the petitioners' representation dated 16.07.2019 and permitting the petitioners to construct the dwelling house in their respective free house site patta land as assigned by the 3rd respondent in proceedings H.S.T.C.No.154-175/1417 dated 06.12.2007.

For Petitioner
For Respondents

:Mr.M.Saravanakumar
:Mr.P.Kannithevan
Addl. Government Pleader

ORDER

This Writ Petition has been filed for a Writ of Mandamus to direct the respondents 2 and 3 to consider the petitioners' representation dated 16.07.2019 and permitting the petitioners to construct the dwelling house in their respective free house site



patta land as assigned by the 3rd respondent in proceedings H.S.T.C.No.154-175/1417 dated 06.12.2007.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents.

WEB COPY

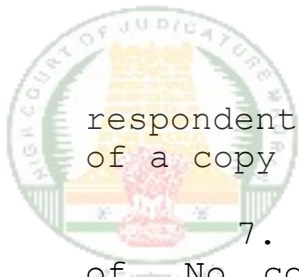
3. The petitioners herein had been assigned patta under landless poor category in the year 2007 by way of assignment order by proceedings in H.S.T.A.No.154-175/1417 dated 06.12.2007, pursuant to which, individual patta had been issued by the Tahsildar, Paramakudi in H.S.T.A.Nos. 310/1426, 311/1426, 315/1426 and 320/1426 dated 20.01.2017 respectively. Though such patta, by way of land assignment under landless poor category, had been given individually to these petitioners and they have been enjoying the same and when these petitioners wanted to construct houses on the said assigned land, it seems that, trouble has come from the neighbours and other village people and in this regard, based on the alleged objection raised by some of the village people, the revenue people, ie., the Tahsildar concerned seems to have given oral instructions not to construct houses. Therefore, the petitioners are before this Court with this writ petition with the aforesaid prayer.

4. In this regard, the learned counsel for the petitioner would submit that, the petitioners had given representation in this regard to the respondent Tahsildar on 16.07.2019 and if the said representation is considered and decided on merits, enabling the petitioners to construct the house in the assigned land, within a time frame to be stipulated by this Court, the petitioners would be satisfied.

5. Heard the learned Additional Government Pleader, who would submit that, the said representation dated 16.07.2019 made on behalf of the petitioners to the first respondent would be considered on merits and final order to that effect would be passed giving such permission, as they sought for to construct the houses in the assigned land, provided, if no other legal impediment is available.

6. The said submission made by the learned counsel for both sides is taken on record and having regard to the said facts and circumstances, this Court is inclined to dispose of the writ petition, at the admission stage itself, with the consent of both sides, with the following direction:

"That the respondents, especially, the third respondent is hereby directed to consider the representation of the petitioners, dated 16.07.2019, after hearing the petitioners and other objectors or rival claimants from that village and the same shall be decided on merits and final order shall be passed by the third



respondent within a period of four weeks from the date of receipt of a copy of this order."

7. With the above direction, the writ petition is disposed of. No costs. Consequently connected Miscellaneous Petition is closed.

WEB COPY

Sd/-

Assistant Registrar (co)

// True Copy //

Sub Assistant Registrar (CS)

RR

To

- 1.The District Revenue Officer,
O/o. The District Revenue Officer,
Ramanathapuram District,
Ramanathapuram.
- 2.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Paramakudi
Ramanathapuram District.
- 3.The Tahsildar,
Taluk Office,
Paramakudi Post & Taluk
Ramanathapuram

+2 CC to M/s.M. SARAVANA KUMAR, Advocate (SR-83868[F] dated 28/08/2019)

+1 CC to M/s.SPL GP (SR-84532[F] dated 30/08/2019)

W.P. (MD)No.18655 of 2019
and W.M.P. (MD) No.15021 of 2019
28.08.2019

_KM/ (28.11.2019) 3P 7C