



W.P. (MD) Nos.25719, 25729, 25736, 25739 and 25742 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.12.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) Nos.25719, 25729, 25736, 25739 and 25742 of 2019
and

W.M.P. (MD) Nos.22284, 22285 and 22287 to 22289 of 2019

WEB COPY

Eswaran	... Petitioner in W.P.(MD)No.25719 of 2019
S.Ganesan	... Petitioner in W.P.(MD)No.25729 of 2019
S.Ponnuthai	... Petitioner in W.P.(MD)No.25736 of 2019
S.Gowri	... Petitioner in W.P.(MD)No.25739 of 2019
A.Selvam	... Petitioner in W.P.(MD)No.25742 of 2019

vs.

1.The Collector,
Theni District,
Collector's Office, Theni - 625 531.

2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thamaraikulam, Periyakulam-625 605,
Theni District

3.The Tahsildar,
Theni Taluk Office, Theni - 625 531.
... Respondents in all

Prayer in W.P.(MD)No.25719 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 21.10.2019 and grant free house site patta to my above said thatched house in an extent of two cents in S.No.125/17, Palanichettipatti Village, hamlet of Veerapandi Village, Theni Taluk and Theni District as per the G.O. (PT)No.318, Revenue Department, dated 30.08.2019 within a time frame as fixed by this Court.

Prayer in W.P.(MD)No.25729 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 21.10.2019 and grant free house site patta to my above said thatched house in an extent of two cents at Subramaniasiva Street, Therkkku Jaganathapuram in S.No.125/17, Palanichettipatti Village, hamlet of Veerapandi Village, Theni Taluk and Theni District as per the G.O.(PT)No.318,

<https://hcservices.ecourts.gov.in/hcservices/>

Revenue Department, dated 30.08.2019 within a time frame as fixed by this Court.

Prayer in W.P.(MD)No.25736 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 21.10.2019 and grant free house site patta to my above said thatched house in an extent of two cents in S.No.125/17, Palanichettipatti Village, hamlet of Veerapandi Village, Theni Taluk and Theni District as per the G.O.(PT)No.318, Revenue Department, dated 30.08.2019 within a time frame as fixed by this Court.

Prayer in W.P.(MD)No.25739 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 21.10.2019 and grant free house site patta to my above said thatched house in an extent of two cents at Subramaniasiva Street, Therkku Jaganathapuram in S.No.125/17, Palanichettipatti Village, hamlet of Veerapandi Village, Theni Taluk and Theni District as per the G.O.(PT)No.318, Revenue Department, dated 30.08.2019 within a time frame as fixed by this Court.

Prayer in W.P.(MD)No.25742 of 2019: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner's representation, dated 21.10.2019 and grant free house site patta to my above said thatched house in an extent of two cents at Door No.8-1-99, Subramaniasiva Street, Therkku Jaganathapuram in S.No.125/17, Palanichettipatti Village, hamlet of Veerapandi Village, Theni Taluk and Theni District as per the G.O.(PT)No.318, Revenue Department, dated 30.08.2019 within a time frame as fixed by this Court.

For Petitioner	:Mr.M.Venkatesan
For Respondents	:Mr.C.Ramar
	Additional Government Pleader
	(In all cases)

C O M M O N O R D E R

The petitioners in all these Writ Petitions have stated that they are residing with their family members in a small extent of land in S.No.125/17 in Palanichettipatti, hamlet of Veerapandi Village, Theni District. It is stated that the property in S.No.125/17 is classified as un-objectionable un-assessed dry land. Relying upon several Government Orders, particularly, G.O.

(Pt).465, Revenue and Disaster Management Department, dated 27.10.2018 and G.O.(Pt).318, Revenue and Disaster Management Department, dated 30.08.2019, the petitioner states that the Government has taken a policy decision to allot house site plot to persons, who are in occupation of poramboke land for more than ten years.

2.Going through the Government Orders relied upon by the petitioners, this Court is of the view that the Government though intended to rehabilitate those persons, who have encroached water bodies, has also made a provision for grant of free house site plot, to those who are in enjoyment of Government waste or poramboke land for several years. The contention of the petitioner that the land has been classified as un-objectionable un-assessed dry land cannot be true, as no such classification exist as per the revenue standing orders or other land Laws.

3.Having regard to the prayer in these Writ Petitions, this Court is of the view that the respondents can be directed to consider the representation of the petitioners and pass appropriate orders on merits. It is made clear that the respondents shall hold an enquiry by making spot inspection, as to the truth and veracity of the statement of the individual petitioner. If they are entitled to get patta in terms of Government orders, the same may be considered and the respondents may pass appropriate orders.

4.Accordingly, these Writ Petitions are partly allowed by directing the respondents to consider the representations of the petitioners in these Writ Petitions, dated 21.10.2019 or earlier representation for grant of free house site patta, after making a spot inspection and conducting an enquiry, as to the eligibility of the petitioners in terms of Government Orders. This exercise shall be undertake by the respondents within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar (CS)



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To

1.The Collector,
Theni District,
Collector's Office, Theni - 625 531.

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2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thamaraikulam, Periyakulam-625 605.
Theni District

3.The Tahsildar,
Theni Taluk Office, Theni - 625 531.

+5 CC to Mr.M.VENKATESAN, Advocate (SR-103124[F] dated 03/12/2019)

+1 CC to SPL GP (SR-103603[F] dated 05/12/2019)

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