



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**DATED: 20.12.2019**

CORAM:

**THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA**

**W.P(MD)No.26976 of 2019**

**and**

**W.M.P(MD)No.23338 of 2019**

P.Pethan

... Petitioner

Vs.

1.The District Collector,  
Madurai District,  
Madurai.

2.The Tahsildar,  
Adhidraavidar Welfare,  
Usilampatti Taluk Office,  
Usilampatti Post and Taluk,  
Madurai District.

3.The Inspector of Police,  
Uthappa Nayakkanoor Police Station,  
Uthappa Nayakkanoor,  
Madurai District.

4.Mr.Jeyaraj

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Mandamus directing the respondents 2 and 3 to consider the Petitioner's representation dated 19.9.2019 and 26.9.2019 and permit the Petitioner to construct the dwelling house in his respective free house site patta land as assigned by the second respondent in Proceedings in Na.Ka.No.1594/07 A dated 2.9.2008 in respect of Plot No.20.

For Petitioner : Mr.M.Saravanakumar

For Respondents : Mr.B.Bhagavathi

1 to 3 Government Advocate

**ORDER**

This Writ Petition has been filed seeking issuance of a Writ of Mandamus directing the respondents 2 and 3 to consider the Petitioner's representation dated 19.9.2019 and 26.9.2019 and permit the Petitioner to construct the dwelling house in his respective free house site patta land as assigned by the second respondent in Proceedings in Na.Ka.No.1594/07, dated 2.9.2008 in respect of Plot No.20.

2.Mr.B.Bhagavathi, learned Government Advocate takes notice for the respondents 1 to 3.

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

3.By consent of parties, the main Writ Petition is taken up for final disposal.



4.The father of the Petitioner was originally assigned the land under Free House Site Patta to the landless poor Adi-dravida people. Accordingly, the Petitioner's father one M.Pethan was allotted the subject-mentioned property vide proceedings in Na.Ka.No.1594/07 A, dated 2.9.2018 by the Special Tahsildar, Adhi-dravidar Welfdare, Usilampatti.

5.The learned counsel for the Petitioner is unable to say when did the father of the Petitioner died. He has also not produced the Legal Heirship Certificate claiming that he is the only legal heir of M.Pethan. Without these documents, the second respondent will not be able to issue patta in the name of the Petitioner.

6.Therefore, the Petitioner is directed to obtain Death Certificate of his father and also the Legal Heirship Certificate and produce the same before the second respondent. On production of the same, the second respondent is directed to consider the representations, dated 19.9.2019 and 26.9.2019 and pass appropriate orders, after affording an opportunity of hearing to the Petitioner and others concerned, if any, on merits and in accordance with law.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsn

To

1.The District Collector,  
Madurai District, Madurai.

2.The Tahsildar,  
Adhidraavidar Welfare,  
Usilampatti Taluk Office,  
Usilampatti Post and Taluk,  
Madurai District.

3.The Inspector of Police,  
Uthappa Nayakkanoor Police Station,  
Uthappa Nayakkanoor,  
Madurai District.

+1 CC to M/s.M.SARAVANAKUMAR, Advocate ( SR-106249[F]

+1 CC to M/s.SPL.GP ( SR-106497[F] dated 27/12/2019 )

**ORDER MADE IN**

**W.P(MD)No.26976 of 2019 and**

**W.M.P(MD)No.23338 of 2019**

**20.12.2019**