

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2020

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

W.P.Nos.32411, 30232 and 32192 of 2013
and M.P.Nos.1, 1 and 1 of 2013

P.V.Duraisamy ... Petitioner in
W.P.No.32411/2013
P.V.Sivalingam ... Petitioner in
W.P.No.30232/2013
I.Periyasamy ... Petitioner in
W.P.No.32192/2013

Vs.

- 1.The Secretary to Government,
Revenue Department,
Fort St.George, Chennai - 9.
- 2.The District Collector,
Namakkal District.
- 3.The Revenue Divisional Officer,
Namakkal.
- 4.The Assistant Director,
Animal Husbandry Department,
Namakkal.
- 5.The Tahsildar,
The Namakkal Collector Office,
Namakkal District.

... Respondents in all 3 W.Ps

W.P.No.32411 of 2013 filed under Article 226 of the Constitution of India for issuing writs of mandamus to direct the 2nd respondent to consider the representation dated 15.10.2013 in the light of the recommendation given by the 5th respondent vide his proceedings in Na.Ka.850/2008 (A4) dated 29.09.2008 and Revenue (IDI) (2) Department G.O.Ms.No.34 dated 23.01.2008 and the connected G.Os and grant free house site patta to the petitioners in respect of the house site (bearing Door No.4/134) in Survey No.185/1, Pottanam Village, Namakkal Taluk and District.

W.P.No.30232 of 2013 filed under Article 226 of the Constitution of India for issuing writs of mandamus to consider the representation dated 15.10.2013 to the notice dated

07.10.2013 issued by the 5th respondent in the light of the recommendation given by the 5th respondent vide his proceedings in Na.Ka.850/2008 (A4) dated 29.09.2008 and Revenue (IDI) (2) Department G.O.Ms.No.34 dated 23.01.2008 and the connected G.Os and grant free house site patta to the petitioners in respect of the house site (bearing Door No.4/132) and cultivated land to the extent of 0.60.0 hectare in Survey No.185/1, Pottanam Village, Namakkal Taluk and District.

W.P.No.32192 of 2013 filed under Article 226 of the Constitution of India for issuing writs of mandamus to direct the 2nd respondent to dispose the representations dated 17.09.2013, 15.10.2013 in the light of the recommendation given by the 5th respondent vide his proceedings in Na.Ka.850/2008 (A4) dated 29.09.2008 and Revenue (IDI) (2) Department G.O.Ms.No.34 dated 23.01.2008 and the connected G.Os and grant free house site patta to the petitioners in respect of the house site (bearing Door No.4/136) in Survey No.185/1, Pottanam Village, Namakkal Taluk and District.

For Petitioners : Mr.B.Vasudevan
(in all 3 W.Ps)

For Respondents : Ms.A.Madhumathi,
(in all 3 W.Ps) Special Government Pleader

C O M M O N O R D E R

The petitioners have filed the above Writ Petitions to issue writs of mandamus to direct the 2nd respondent to consider the representations dated 17.09.2013 and 15.10.2013 in the light of the recommendation given by the 5th respondent dated 29.09.2008 and G.O.Ms.No.34 dated 23.01.2008 and the connected G.Os and grant free house site patta to the petitioners in respect of the house site, bearing Door Nos.4/134, 4/132 and 4/136 in Survey No.185/1, Pottanam Village, Namakkal Taluk and District.

2.It is the case of the petitioners that by virtue of the recommendation made by the 5th respondent dated 29.09.2008 and the G.O.Ms.No.34 dated 23.01.2008, they are entitled for free house site patta in respect of their respective house sites. Further, the petitioners contended that they gave representations dated 17.09.2013 and 15.10.2013 seeking for free house site patta, however, the 2nd respondent has not passed any order so far.

3.Ms.A.Madhumathi, learned Special Government Pleader appearing for the respondents submitted that though the petitioners are not entitled for free house site patta, a direction may be given to the 2nd respondent to consider the

petitioners' representations dated 17.09.2013 and 15.10.2013 and dispose of the same in accordance with law within a time frame. Further, the learned Special Government Pleader fairly submitted that the order of status-quo granted by this Court on 08.11.2013, 28.11.2013 and 29.11.2013 may be directed to be continued till the disposal of the representations dated 17.09.2013 and 15.10.2013.

4. Having regard to the submissions made by the learned Special Government Pleader, without expressing any opinion with regard to the merits of the case, I direct the 2nd respondent to consider the petitioners' representations dated 17.09.2013 and 15.10.2013 and dispose of the same, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order and the respondents are directed to maintain status-quo till the disposal of the representations dated 17.09.2013 and 15.10.2013.

5. With these observations, the Writ Petitions are disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
Fort St. George, Chennai - 9.
2. The District Collector,
Namakkal District.
3. The Revenue Divisional Officer,
Namakkal.
4. The Assistant Director,
Animal Husbandry Department,
Namakkal.
5. The Tahsildar,
The Namakkal Collector Office,
Namakkal District.

+1 cc to The Government Pleader, Sr.No. 24773

W.P.Nos.32411, 30232 and 32192 of 2013
and M.P.Nos.1, 1 and of 2013

MP (CO)

RMP (06/08/2020)