



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P. (MD)No.8126 of 2020

and W.M.P (MD)No.7545 of 2020

WEB COPY

P.Subramanian

... Petitioner

Vs.

1.The District Collector,
Thoothukudi.

2.The Tahsildar,
Srivaikundam Taluk,
Thoothukudi District.

3.The Village Administrative Officer,
Vasavappapuram Village,
Srivaikundam Taluk,
Thoothukudi District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to issue patta for the house site put up in Survey No.219 at Vadavallanadu Village classified as Manthai Poramboke by recalling the earlier patta issued in Na.Ka.No.27/12173/14 dated 13.10.2015.

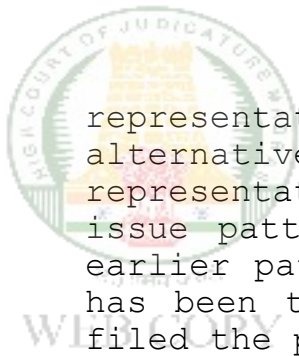
For Petitioner : Mr.S.Satheesh Kumar for
Mr.H.Arumugam

For Respondents : Mr.C.M.Mari Chelliah Prabhu,
Additional Government Pleader.

ORDER

The petitioner has filed the present Writ Petition to issue a Writ of Mandamus, directing the respondents to issue patta for the house site in Survey No.219 at Vadavallanadu Village which is classified as Manthai Poramboke by recalling the earlier patta issued in Na.Ka.No.27/12173/14 dated 13.10.2015.

2.According to the petitioner, the second respondent has assigned the land to the petitioner on 13.10.2015 under free house site Scheme in respect of Plot No.35 in Vasavappapuram Village, Srivaikundam Taluk. On verification, it was found that many of the persons have encroached in the said plot. Immediately, the petitioner reported the same to the respondents. At this juncture, the third respondent advised the petitioner to put up house in another area and in due course of time, patta will be issued. Accordingly, the petitioner has also put up the house in the portion of the land situated in Survey No.219 in Vadavallanadu Village. Since patta has not been issued to the petitioner, he sent a



representation dated 08.10.2018 to the first respondent to grant alternative site. Thereafter, the petitioner made another representation dated 29.02.2020 to the Chief Minister's Cell to issue patta for the house site in Survey No.219 by recalling the earlier patta issued in respect of Survey No.464/1. Since no action has been taken on the side of the respondents, the petitioner has filed the present Writ Petition.

3.The learned counsel appearing for the petitioner would submit that it is suffice, if a direction is issued to the first respondent to consider the representation of the petitioner dated 08.10.2018 on merits and in accordance with law.

4.The learned Additional Government Pleader appearing for the respondents submitted that in the typed set of papers, proceedings of the Sub-Collector has been enclosed, wherein it has been that necessary action will taken to the aforesaid representation dated 08.10.2018.

5.In the light of the submissions made by the learned counsel appearing on either side, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the representation of the petitioner dated 08.10.2018 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after affording due opportunity of hearing to the petitioner. The petitioner is directed to enclose a copy of this order along with such representation to the first respondent.

6.With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Note:- In view of the present lock down owing to COVID - 19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.



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Thoothukudi District.

+1 CC to SGP (SR-14985[F] dated 26/08/2020)

+1 CC to Mr.H. ARUMUGAM, Advocate (SR-15160[F] dated 27/08/2020)

Order made in
W.P. (MD)No.8126 of 2020
Dated:
25.08.2020

KM (02.09.2020) 3P 6C