



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.10.2020

CORAM

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P. (MD)No.13236 of 2020

Sampath

... Petitioner

-Vs-

1.The District Collector,
Office of the District Collector,
Pudukkottai.

2.The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Illuppur, Pudukkottai District.

3.The Tahsildar,
Kulathur Taluk Office,
Pudukkottai, Pudukkottai District.

... Respondents

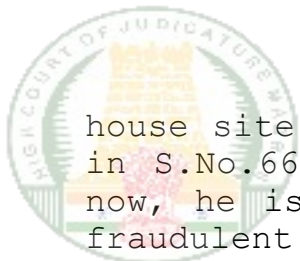
Prayer: Writ Petition is filed under Article 226 of Constitution of India, to issue a writ of Mandamus, forbearing the respondents herein from in any manner issuing any house site patta in respect of the vacant lands comprised in S.No.665/10 situated at Mela Theru Village, Kulathur Taluk, Pudukkottai District and to take necessary action on the basis of the communication issued by the second respondent in O.Mu.No.4719/18/A1, dated 13.08.2018.

For Petitioner : Mr.B.Jameelarasu
For Respondents : Mr.K.P.Krishnadoss,
Special Government Pleader.

ORDER

The petitioner has come forward with this Writ Petition to forbear the respondents from in any manner issuing any house site patta in respect of the vacant lands comprised in S.No.665/10 situated at Mela Theru Village, Kulathur Taluk, Pudukkottai District and to take necessary action on the basis of the communication issued by the second respondent in O.Mu.No.4719/18/A1, dated 13.08.2018.

2.According to the petitioner, he is the owner of the property in Survey No.665/11 and vacant site in Survey No.665/10, situated at Mela Theru, Kulathur Taluk. Since the petitioner worked as Assistant Nurse at Government Hospital in Avudiyarkovil, he was unable to visit his property. Later, he came to know that one Karthick has encroached the vacant site comprised in S.No.665/10 and also constructed a house therein. As per the allotment of free house site patta announced by the Government for the weaker Sections, only one person in the house is eligible for grant of such free house site patta. But, the said Karthick has got two free



house site pattas. One is in the name of his mother namely, Amutha in S.No.665/25 and second one is in his favour in S.No.665/24 and now, he is trying to obtain third free house site patta by making fraudulent representations. Therefore, the petitioner has made a representation dated 19.08.2019 to the respondents, requesting to conduct a detailed enquiry, as to how the officials of the respondents have issued two free house site pattas in one family to the said Karthick and his mother, namely, Amutha. On receipt of the said representation, the second respondent, vide his proceedings dated 13.08.2018, has directed the third respondent to conduct a detailed enquiry and submit a report. Though the third respondent has received the same, he did not take any action. Therefore, the petitioner has filed W.P.(MD)No.6051 of 2019 before this Court, wherein this Court, by order dated 14.03.2019, has dismissed the Writ Petition, following the judgment of the Hon'ble Apex Court in Civil Appeal No.2425 of 2019, dated 01.03.2019, wherein the Hon'ble Apex Court has deprecated the practice of passing of disposal of the representation order. Thereafter, the petitioner has approached this Court by way of filing this Writ Petition, seeking aforesaid prayer.

3.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

4.This Court is not inclined to grant the relief sought for by the petitioner as such. As the petitioner has already approached this Court by way of filing W.P.(MD)No.6051 of 2019 and on 14.03.2019, this Court has refused to entertain the Writ Petition, however, the rights of the petitioner herein are kept intact, the present relief has been sought for by the petitioner. The grievance of the petitioner is that one Karthick and his mother namely, Amutha have suppressed the possession of two free house site pattas obtained from the respondents and once again they are trying to get another patta with regard to the vacant site in question.

5.It is represented by Mr.K.P.Krishnadoss, learned Special Government Pleader appearing for the respondents that enquiry has already been commenced and if there is any incorrect or false statement made by those persons, necessary action would be taken for cancellation of those pattas. But the relief as such cannot be granted, more so, those persons are not made party to this Writ Petition.

6.Though this Court has agreed with the contentions of the respondents partially that there is non-joinder of necessary proper party and that the rights of the petitioner are protected by the earlier order of this Court, this Court directs the second respondent to conduct enquiry and ascertain the genuineness of the lands, which are said to have been given to the mother and son



mentioned supra. The second respondent is expected to complete the enquiry, within a period of three (3) months from the date of receipt of a copy of this order, after hearing all the necessary parties concerned. This Court, in an earlier occasion, has made it very clear that merely because the Electricity Board and Metro Water Board or any other Board is responsible for supply of water, who is not made a party, it cannot be cited as a ground for the authorities in disconnecting the electricity supply and water supply, if it is brought to the attention that house site patta is obtained by suppression of facts. A person approaching either the Court or the authority with unclean hands, will not be entitled to seek any relief.

7. Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

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.

To

1. The District Collector,
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Kulathur Taluk Office,
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+1 CC to M/s.SPL GP (SR-19442[F] dated 08/10/2020)

W.P. (MD) No.13236 of 2020

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SCR(CO)

KB(13.10.2020) 3P 5C

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