



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2020

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P(MD)No.18489 of 2020

Eswari

.. Petitioner

Vs.

1. The District Collector,
Madurai District, Madurai.

2.The District Revenue Officer,
Madurai District, Madurai.

3.The District Schedule Caste & Schedule Tribe Welfare Officer,
The District Schedule Caste & Schedule Tribe Welfare Office,
Madurai.

4.The Tahsildar,
Taluk Office,
Madurai North Taluk,
Madurai.

.. Respondents

PRAYER: 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 03.12.2020 and consequently directing the respondents to issue free patta to the petitioner under the benefit of Schedule Caste and Schedule Tribe Welfare Scheme for the land situated at Siruvalai Village, Madurai North Taluk, Madurai District in Survey No.108/3, having an extent of 0.89.0 Ares within a stipulated time fixed by this Court.

For Petitioner : Mr.P.Jeyasankar

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the respondents to consider the petitioner's representation dated 03.12.2020 and consequently directing the respondents to issue



free patta to the petitioner under the benefit of Schedule Caste and Schedule Tribe Welfare Scheme for the land situated at Siruvalai Village, Madurai North Taluk, Madurai District in Survey No.108/3, having an extent of 0.89.0 Ares within a stipulated time fixed by this Court.

WEB COPY

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

3. The case of the petitioner is that the petitioner had given representation to the third respondent requesting him to issue free patta to him. The third respondent passed proceedings in O.Mu.No.7818/2018/Athi.7 dated 14.03.2018 and forwarded the same to the second respondent for further proceedings. Since no action was taken by the concerned authorities, the petitioner had filed W.P. (MD).No.14994 of 2018 before this Court and by an order, dated 12.07.2018, this Court had directed the authorities to consider the petitioner's representation within eight weeks. In the said circumstances, on 05.09.2018 the first respondent has sent summon to the petitioner in Na.Ka.No.37320/2018/J4 directing her to appear for enquiry. Therefore, the petitioner attended the enquiry and subsequently the third respondent has sent a proceedings in Na.Ka.No.41234/2018/L2 dated 10.09.2018 in which he stated that the said land in Survey No.108/3 to an extent of 0.89.0 Ares has no pathway and it is Kist Nanja land and instead of that, action will be taken to issue the land in Survey No.13/4 to an extent of 0.20.0 Ares to the petitioner. But, according to the petitioner, the said Survey No.13/4 is a water body and not fit for house site. Finally, the petitioner sent a detailed representation dated 03.12.2020 seeking free patta. But so far no effective steps are taken by the authorities, the petitioner has approached this Court.

4. The petitioner has already approached the Court for getting free patta which has been considered by this Court on 12.07.2018 in W.P.(MD).No.14994 of 2018 and in that writ petition, one Jeyaraman, who is the counter claimant was also a party. In this writ petition, the petitioner has sought for the relief of issuance of free patta claiming the benefit of Schedule Caste and Schedule Tribe Welfare Scheme. Firstly, the petitioner has not made the said Jeyaraman as a party to the present proceedings. Secondly, there is already an order to consider the representation of the petitioner, and one more writ petition for the same relief cannot be entertained. If any proceedings is pending, the respondents/authorities are expected to proceed further and take a decision in accordance with law, after hearing the petitioner as well as the other interested parties as early as possible. Therefore, the relief sought for in the present writ petition cannot be granted.



4. Accordingly, this Writ Petition stands dismissed. No Costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

PJL

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,
Madurai District, Madurai.
2. The District Revenue Officer,
Madurai District, Madurai.
3. The District Schedule Caste &
Schedule Tribe Welfare Officer,
The District Schedule Caste &
Schedule Tribe Welfare Office,
Madurai.
4. The Tahsildar,
Taluk Office,
Madurai North Taluk,
Madurai.

+1cc to Special Government Pleader Sr.No.26101

W.P (MD) No.18489 of 2020

16.12.2020

PU (CO)

NR (18/01/2020) 3P : 6C