

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.2.2021

CORAM

THE HON'BLE MR.JUSTICE B.PUGALENDHI

W.P.No.2755 of 2021
and
W.M.P.No.3102 of 2021

Vikadakavi

Petitioner

vs.

1. The Union of India rep. by
the Government of Puducherry,
through the Chief Secretary to Government,
Chief Secretariat, Puducherry.
2. The District Collector,
Department of Revenue and
Disaster Management,
Collectorate, Puducherry.
3. The Director,
Department of Survey and Land Records,
Puducherry.
4. The Deputy Director,
Department of Adi-Dravidar and
Tribal Welfare,
Thattanchavady, Puducherry.
5. The Thasildar,
Revenue Department, Villianur,
Puducherry.
6. The Commissioner,
Villianur Commune Panchayat,
Villianur, Puducherry.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of certiorarified mandamus to call for the records of the 3rd respondent impugned enquiry report with No.Nil dated Nil in respect of the eligibility of the petitioner for grant of free manai patta and its consequential select list with No.Nil dated 15.10.2020 and to quash the same and consequently to direct the 3rd respondent to

re-consider the application given by the petitioner for the proposed grant of free manai patta at Koodapakkam Village, Puducherry and to select on merit.

For Petitioner : Mr.L.Prabakaran

For Respondents: Mr.C.T.Ramesh, AGP(P)

ORDER

The petitioner, a resident of Konerikuppam Village of Villianur Taluk, Puducherry, applied for a free house site and in the draft list dated 29.11.2019 earlier prepared by the third respondent, the petitioner's name has been referred as eligible, but, thereafter, by the impugned list dated 15.10.2020, the third respondent has ignored the name of the petitioner on the ground that the petitioner is not eligible as the petitioner's father is already awarded with a free house site and this petitioner, who is seeking a house site is only the son of the allottee.

2. In fact, the petitioner has also admitted the said fact in the affidavit filed in support of this petition wherein he has stated that though his father got an allotment, his elder sister, who is a widow, came back to their house and residing in the same house with her children and similarly, his younger sister also married and came back with her husband and children and residing in the same house and therefore, the petitioner is not having sufficient space in the house and therefore, requested for considering his application.

3. Mr.Ramesh, learned Additional Government Pleader takes notice for the respondent and places his reliance on the Pondicherry Land Grant Rules, 1975 wherein certain guidelines have been stipulated in the grant of building site. Pointing out Rule 55(2) of the said Rules, which specifically prohibits any assignment of land for house sites to persons already possessing enough land for their reasonable requirements and that preference is given to those who own no houses site anywhere in the Union Territory. The learned Additional Government Pleader further submits when the petitioner's father got a free house site and this petitioner being the only son is not entitled for the free house site.

4. The learned Additional Government Pleader also pointed out that nearly 136 applications have been received and out of that they have selected 92 persons and granted house sites. Since the petitioner is already having a house site, the petitioner is not eligible under the scheme.

5. In view of the above submissions made by the learned Additional Government Pleader, no mandamus can be issued. Accordingly, the writ petition is dismissed. No costs. The connected Miscellaneous Petition is also dismissed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To

- 1.The Chief Secretary to Government,
Government of Puducherry,
through the
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6. The Commissioner,
Villianur Commune Panchayat,
Villianur, Puducherry.

+1 cc to Government Pleader Sr.No. 7766

W.P.No.2755 of 2021

A.SK(19.03.2021)