



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 14721 of 2011

Voleti Kameswari

... Petitioner

Vs

1. Deputy Collector (Revenue)
Department of Revenue and Disaster Management,
Government of Puducherry,
Yanam.

2. Deputy Tahsildar,
Taluk Office,
Yanam.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorari, calling for the records of the first respondent in No.15/B/DCRY/2010-11 dated 16.04.2011 and quash the same.

For Petitioner : Mr.V.Sairam

For Respondents : No Appearance [For R1 and R2]

O R D E R

The order dated 16.04.2011, holding that the petitioner is not entitled for grant of building site under the Land Grant Rules 1975 is under challenge in the present writ petition.

2. The petitioner states that, he was the resident of Gurusampet, Yanam, Puducherry. The petitioner states that, she was in possession of the property along with the family members for more than 25 years. However, the respondents completely demolished the thatched hut constructed by the petitioner. Earlier, the petitioner filed writ petition in W.P.No.25037 of 2010 and this Court passed an order on 03.02.2011, directing the first respondent to consider the representation submitted by the writ petitioner.

3. Pursuant to the orders of this Court, the representation submitted by the petitioner was considered and rejected by the



Government of Puducherry, Department of Revenue and Disaster Management in proceedings dated 16.04.2011.

4. The learned counsel for the petitioner made a submission that her request was to consider her representation based on the demolition done by the authorities in respect of the hut constructed by her and the order impugned did not say anything regarding the said allegation.

5. However, this court is of an opinion that, it is not disputed that the petitioner was an encroacher and she constructed hut in the Government land . The said hut was removed. While considering the representation for providing alternate building site, the Government recorded the fact, that as per the records and in accordance with the relevant Rules, the case of the petitioner was considered. The petitioner's family is possessing enough land i.e. 648 sq.m. or 6888 sq.ft., including the two portions, which she has rented out, both by means of LGR Patta issued earlier and also by means of own procurement of building site in her husband's name in Yanam.

5. In view of the fact that, the petitioner is already possessing enough properties, her claim for allotment of building site was rejected . This Court do not find any infirmity or perversity in respect of the order passed by the respondents as well as the reason assigned for rejection of the claim.

6. With these observations, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The Deputy Collector (Revenue)
Department of Revenue and Disaster Management,
Government of Puducherry, Yanam.
2. The Deputy Tahsildar,
Taluk Office, Yanam.

+1cc to the Government Pleader, Puducherry. S.R.No.60726

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SPD(CO)
CT 07/12/2021