

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.8896 of 2021 &
WMP.No. 9430 of 2021

A. Shanmugam

... Petitioner

Vs.

1.The District Collector,
Villupuram District,
Villupuram.

2. The Revenue Divisional Officer,
Villupuram, Villupuram District.

3. The Tahsildar,
Thiruveeney Nallur,
Villupuram District.

4. The Block Development Officer (V.P.)
Thiruveeney Nallur Panchayat Union,
Thiruveeney Nallur Taluk,
Villupuram District.

5. The Village Administrative Officer,
Kezhamangalam Village,
Valaiyampattu panchayat,
Valaiyampattu Post,
Thiruveeney Nallur Taluk,
Villupuram District.

.. Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents to permit the further construction of the petitioner house in the scheme of Pradhan Mantri Awas Yojana-G, PMAY-G. No.TN1614117, dated 13.07.2017, in Survey No.41/4 at Kezhamangalam Village, Valaiyampattu Panchayat, Thiruveeney Nallur Taluk, Villupuram District.

For Petitioner : Mr. D. Dhayalan

For Respondents: Mr. J. Ramesh, Addl. Govt. Pleader
for R1, R3 and R5
Mr.P.D.Anbarasan, Govt. Advocate-R4

O R D E R

The prayer made in this writ petition is to issue of Writ of Mandamus directing the respondents to permit the petitioner to proceed further construction of house under the scheme of Pradhan Mantri Awas Yojana G, PMAY-G. No.TN1614117, dated 13.07.2017.

2.It is the case of the petitioner that he was allotted a house under the Scheme of Pradhan Mantri Awas Yojana on 13.07.2017 by the 4th respondent. Pursuant to the same, the petitioner started to construct a house in S.No.41/4 situated at Valaiyampattu Village Panchayat, Kezhamangalam Village. According to the petitioner, his father has been in possession of the said land for the past 60 years and has been enjoying the same, without any interruption. While so, the fifth respondent asked the petitioner to stop the construction stating that the said land is classified as Anadeenam and he also refused to look into the documents pertaining to the same in favour of petitioner. Hence, the petitioner sent a representation dated 04.01.2021 to the respondents 1, 2, 3 and 4 raising complaint against the 5th respondent and consequently, seeking permission for further construction of his house. On receipt of the same, the 3rd respondent sent a communication dated 21.01.2021 to the Zonal Deputy Tahsildar, Thiruvvenneynallur to enquire into the matter and report the same to him. But, the Zonal Deputy Tahsildar did not conduct any enquiry, which compelled the petitioner to approach this Court with the present writ petition for the aforesaid relief.

3.Heard Mr.D.Dhayalan, learned counsel appearing for the petitioner and Mr.J.Ramesh, learned Additional Government Pleader appearing for the respondents 1 to 3 and 5 and Mr.P.D.Anbarasu, learned Government Advocate appearing for the 4th respondent and also perused the documents enclosed in the typed set of papers.

4.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the 4th respondent to consider the application now moved by the petitioner seeking permission for further construction, by enclosing a representation dated 04.01.2021, if the petitioner complies with all the stipulated conditions, and pass appropriate orders on merits and in accordance with law, after affording an opportunity of hearing to the petitioner as well as any other interested parties. Such an exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

5.The Writ Petition is disposed of with the above direction.
No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True copy//

Sub Assistant Registrar

msr

To

- 1.The District Collector,
Villupuram District,
Villupuram.
2. The Revenue Divisional Officer,
Villupuram, Villupuram District.
3. The Tahsildar,
Thiruvevney Nallur,
Villupuram District.
4. The Block Development Officer (V.P.)
Thiruvevney Nallur Panchayat Union,
Thiruvevney Nallur Taluk,
Villupuram District.
5. The Village Administrative Officer,
Kezhamangalam Village,
Valaiyampattu panchayat,
Valaiyampattu Post,
Thiruvevney Nallur Taluk,
Villupuram District.

+1cc to Mr. D. Dhayalan, Advocate SR.No.26878

+1cc to Government Pleader SR.No.27061

+1cc to Government Pleader SR.No.27058

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WMP.No. 9430 of 2021

RSV(CO)
GMY(18/06/2021)