

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.02.2021

CORAM

THE HONOURABLE THIRU JUSTICE B.PUGALENDHI

W.P.NO.14505 OF 2020

&

W.M.P.NOS.17992, 25174, 25171 OF 2020 & 5182 OF 2021

M.Selvam

... Petitioner

Vs.

1. The District Collector,
The Office of District Collector,
Chengelpattu.
2. The Project Director,
The District Rural Development Agency,
Chengalpattu.
3. The Block Development Officer
(Village Panchayat)
Thiruporur Taluk Office,
Thiruporur Taluk, Chengalepattu - 603 110.
4. The Thasildar,
The Thiruporur Taluk Office,
Thiruporur Taluk.
5. The Taluk Deputy Surveyor,
The Office of Taluk Surveyor,
Thiruporur Taluk.

6. V.Raja

...Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the first respondent to call for records and conduct an enquiry in relation to illegal allotment of house under Government funded free housing Scheme in the name of 6th respondent (ineligible beneficiary) in the property belongs to the petitioner more fully described in sale deed dated 04.04.2016 registered as document No.3857/2016 on the file of Sub Registrar, Thiruporur an extent of 0.03 cents (1308 Sq.Ft) in 0.12 cents comprised in

Survey No.217/2, Number 52 - Pattipulam Village, in joint Patta No.169 and cancel said allotment order within the time limit fix by this Court.

For Petitioner : Mr.P.Uma

For Respondents : Mr.D.Venkatesan, GA
(for respondents 1,2,4 & 5)
Mr.E.Balamurugan, Spl.G.P.
(for R.3)

ORDER

This Writ Petition is filed for a mandamus directing the first respondent to conduct an enquiry in relation to certain allotment of houses in the Government funded housing scheme in the name of 6th respondent in the petitioner's property in Sy.No.217/2, No.52, Pattipulam Village, Thiruporur Taluk.

2.The case of the petitioner is that she is the owner of the property in Sy.No.217/2 to an extent of 0.3 cents (1308 sq.ft) and which she has hopefully purchased vide a Doc.No.3857 of 2016 dated 04.04.2016. In the said land, the Authorities have permitted the 6th respondent to construct a house. Mr.D.R.Arun Kumar, the learned counsel for the 6th respondent would submit that on the complaint of this petitioner, already an enquiry was conducted, during the enquiry, it revealed that the 6th respondent has constructed his house only in his property and not encroached on the petitioner.

3.Mr.M.Elumalai, learned Additional Government Pleader appearing for the first respondent would submit that the petitioner has not submitted any representation and if any representation is submitted, it would be considered in accordance with law. The grievance of the petitioner is that the land has been wrongly identified to the 6th respondent in the petitioner's property. Though the 6th respondent claims that already an enquiry was conducted, let the petitioner shall furnish another representation to the competent authority i.e., the first respondent herein within a period of one week from the date of receipt of copy of this order and the competent authority i.e., the first respondent/the District Collector shall consider the same and pass orders on the merits of the complaint, by affording an opportunity to the petitioner and the 6th respondent and pass an order within a period of eight weeks thereafter.

4.Accordingly, the Writ Petition stands disposed of. No costs. It is always open to the first respondent to initiate

appropriate action as per the findings in the enquiry. The 6th respondent shall not make any constructions till the enquiry is completed. Consequently the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

mrm

To

1. The District Collector,
The Office of District Collector,
Chengelpattu.
2. The Project Director,
The District Rural Development Agency,
Chengalpattu.
3. The Block Development Officer
(Village Panchayat)
Thiruporur Taluk Office,
Thiruporur Taluk, Chengalepattu - 603 110.
4. The Thasildar,
The Thiruporur Taluk Office,
Thiruporur Taluk.
5. The Taluk Deputy Surveyor,
The Office of Taluk Surveyor,
Thiruporur Taluk.

+1cc to Mr.D.R.Arunkumar, Advocate, S.R.No.11788

W.P.No.14505 of 2020

AAB(CO)
CS/19/03/2021

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