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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.11.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.19873 of 2019

V.Kalyani

... Petitioner

vs.

1. The District Collector,
District Collector Office,
Dharmapuri District.
2. The Revenue Divisional Officer,
Harur, Harur Taluk,
Dharmapuri District.
3. The Assistant Director,
Highways Department,
Morappur, Harur Taluk,
Dharmapuri District.
4. The Tahsildar,
Harur Taluk,
Dharmapuri District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to allot the waste land of Highways adjacent to the Petitioner's house site situated in Grama Natham Patta in Block No.27/36, Survey No.27/1D, Navalai Village, Harur Taluk, Dharmapuri District by considering the representation dated 27.04.2019 in accordance with law.

For Petitioner : Mr.P.Ganesan

For Respondents : Mr.U.Baranidharan,
Addl. Government Pleader

O R D E R

Petitioner has come up with this Writ Petition seeking a direction to the Respondents to allot the waste land of Highways adjacent to her house site situated in Grama Natham Patta in Block No.27/36, Survey No.27/1D, Navalai Village, Harur Taluk, Dharmapuri District by considering her representation, dated 27.04.2019 in accordance with law.



2. According to the Petitioner, she is a poor houseless woman, belonging to Scheduled Caste community. In the year 1999, Government poramboke land in Survey No.27/1D was reclassified as Grama Natham and the Government ordered to grant patta to the landless poor Scheduled Caste community people. Accordingly, 17 persons including the Petitioner were granted patta. The Petitioner was granted patta to an extent of 0.00.5 Hectares in Block No.27/1D by the Tahsildar, Harur on 10.03.1999. The grievance of the Petitioner is that, the land allotted to her was partly occupied by adjacent land owners. Hence, narrating all the issues, the Petitioner made a representation to the Respondents on 27.04.2019 for allotment of western side of the land near her house in Block No.27/36, Survey No.27/1D, Navalai Village, Harur Taluk, Dharmapuri District. As the same is pending consideration, the Petitioner is before this Court with the aforesaid Writ Petition.

3. In the counter Affidavit filed by the Respondents, it is stated that, they have issued a notice to the Petitioner on 23.07.2008 that, she had encroached the Highways Road and that, she should vacate the same within seven days from the date of issuance of the Notice, failing which, she will be evicted. According to the Respondents, the Petitioner had constructed her house partly in the Highways land and the other portion in her house site.

4. Learned counsel for the Petitioner submitted that, it would suffice if a direction is issued to the 2nd Respondent to consider the Petitioner's representation dated 27.04.2019, within a reasonable time.

5. Heard the learned counsel on either side and perused the material documents available on record.

6. It is seen that, the Petitioner had earlier approached this Court by filing W.P.No.22700 of 2017 and this Court, by an order dated 24.08.2017 directed Respondents 2 and 3 therein to consider her representation dated 08.05.2013 for surveying and demarcating the land and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of the order. However, Respondents have stated that, the Highways Department measured the property in question and issued a Notice to the Petitioner on 23.07.2008 that, she had encroached a portion of the Highways Road.

7. However, as the Petitioner has now restricted the relief sought for by her to the extent that, her representation dated 27.04.2019 may be directed to be considered by the 2nd Respondent, without going into the merits of the case, this Court directs the 2nd Respondent herein to consider the Petitioner's representation dated 27.04.2019 in accordance with



law and pass appropriate orders after affording an opportunity of hearing to the parties concerned, within a period of four weeks from the date of receipt of a copy of this order.

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The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

(aeb)

To:

1. The District Collector,
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4. The Tahsildar,
Harur Taluk,
Dharmapuri District.

+1cc to Mr.P.Ganesan, Advocate SR.No.62274

+1cc to Government Pleader SR.No.62636

W.P.No.19873 of 2019

JPL(CO)

GMV(21/01/2022)