

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.01.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.20354 of 2020

P.Elumalai

...Petitioner

-Vs-

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Ghingee Taluk,
Villupuram District.

3.The Block Development Officer,
Gingee,
Villupuram District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to issue house site patta for petitioner's house comprised in Survey No.116/1 at measuring to an extent of 0.92.5 Ares (3 cents) situated in patta Poramboke Devathanampettai Village, Villupuram District in pursuance of petitioner's representation dated 15.03.2013.

For Petitioner : Mr.K.Subash
For Respondents : Mrs.A.B.Reehana Begum
Government Advocate

ORDER

Mrs.A.B.Reehana Begum, learned Government Advocate takes notice for the respondents 1 and 2. Mrs.Thanga Vadhana Balakrishnan, learned counsel takes notice for the 3rd respondent.

2. The petitioner states that she belongs to the socially and economically weaker section of the society, and that she has been in occupation of a small portion of the property comprised in S.No.116/1 situated in Devathanampettai Village, Villupuram District for over 20 years, and that she now faces a notice under Section 6 of the Tamil Nadu Land Encroachment Act, 1905.

In the meantime, she has applied for assessment of the portion that she has occupied and put up a small house, for which the petitioner gave reply vide representation dated 10.06.2020. This is under challenge.

3. Heard both sides.

4. Without interfering in the on going proceedings initiated under the Land Encroachment Act against the petitioner, the 2nd respondent is required to consider the representation of the petitioner within a period of three (3) months from today. The petitioner is also required to participate in the enquiry before the Land Encroachment Authority. Final decision in the proceedings under the Land Encroachment Act is directed to be decided only after considering the representation of the petitioner on merit through a speaking order.

5. The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssn

To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Tahsildar,
Ghingee Taluk,
Villupuram District.

3.The Block Development Officer,
Gingee,
Villupuram District.

+1 cc to M/s.K.Subash, Advocate Sr.No. 153

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UM(CO)
RMP(03/02/2021)