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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2021

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THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NO.25170 OF 2021

AND

WMP.NO.26539 OF 2021

Chandrasekarpuram Panchayat,
Rep. by its President K.Palanivel,
Rasipuram Panchayat Union,
Namakkal 637 401

...Petitioner

Vs

1. The District Collector,
Collectorate Office,
Namakkal 637 003.
2. The District Revenue Officer,
Collectorate Office,
Namakkal 637 003.
3. The Revenue District Officer,
Mohanur Road,
Namakkal Town,
Namakkal District.
4. The Tahsildar,
Taluk Office,
Rasipuram,
Namakkal District 637 408.
5. The Block Development Officer,
Rasipuram Panchayat Union,
Rasipuram,
Namakkal District 637 408

...Respondents

Prayer :-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records of the fourth respondent Tahsildar in Na.Ka.No.8868/2021/B1 dated 19.11.2021 and to quash the same and



consequently forbear the respondents from in any way considering persons residing outside Chandrasekarpuram Panchayat for grant of patta in S.No.493/3, in Rasipuram Village, without first considering the locals/ residents or Chandrasekarpuram Panchayat.

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For Petitioner : Mr.J.Srinivasa Mohan

For Respondents
For R1 to 4 : Mr.A.Selvendran,
Special Government Pleader

For R5 : Mr.K.M.D.Muhilan,
Government Advocate

ORDER

This writ petition has been filed to issue a writ of certiorarified mandamus calling for the records of the fourth respondent Tahsildar in Na.Ka.No.8868/2021/B1 dated 19.11.2021 and to quash the same and consequently forbear the respondents from in any way considering persons residing outside Chandrasekarpuram Panchayat for grant of patta in S.No.493/3, in Rasipuram Village, without first considering the locals/ residents or Chandrasekarpuram Panchayat.

2. The petitioner is the President of the Chandrasekarpuram Panchayat, Namakkal District. The case of the petitioner is that in and around their Panchayat, there are ten villages and Rasipuram is one of such village. The property comprised in survey No.493 is classified as Government poramboke. It measures around 12 acres, out of which two acres were converted as Natham by the subdivision as 493/3 by the Government. Thereafter, the respondents proposed to issue free house site patta to the persons who had no house site. However, the respondents proposed to allot free house site patta to the outsiders and they are not considering the applications from the persons who reside in the Rasipuram village. Therefore, they passed resolution on 31.08.2020 and resolved that free house site patta should not be granted to outsiders except the persons who are living in Rasipuram village. Further the case of the petitioner is that their applications are not being entertained by the respondents for issuance of house site patta. Therefore, the petitioner along with other Ward Members submitted their objections. On receipt of the same, the fourth respondent passed the order impugned dated 19.11.2021 stating that the subject land comprised in survey No.493/3 is classified as Natham poramboke and in accordance with law only, free house site patta may be



issued to the houseless poor. That apart, now measurement is only going on and as such the objections raised by the petitioner are rejected.

3. On instruction, the learned Special Government Pleader appearing for the fourth respondent submitted that the land is situated in Rasipuram village and as such the persons who are living in Rasipuram village are entitled to apply for free house site patta. Accordingly, they received applications for issuance of free house site patta. Those applications will be considered only in accordance with law considering the various aspects and also seniority. The persons who are represented by the petitioner have not even submitted any application for issuance of free house site patta till today. If they made any application for free house site patta, those applications will be considered in accordance with law as per seniority.

4. Considering the above, the persons who hail from the petitioner Panchayat can also make their applications for issuance of free house site patta in the subject land comprised in survey No.493/3 classified as Natham Government poramboke situated at Rasipuram village. The third and fourth respondents are directed to receive the same and consider those applications in accordance with law and accordingly issue free house site patta if they are eligible for free house site patta. It is made clear that whatever the resolution passed by the petitioner Panchayat, will not bind the respondents while considering the applications for issuance of free house site patta.

5. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No order as to costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Collectorate Office,
Namakkal 637 003.



2. The District Revenue Officer,
Collectorate Office,
Namakkal 637 003.

3. The Revenue District Officer,
Mohanur Road,
Namakkal Town,
Namakkal District.

4. The Tahsildar,
Taluk Office,
Rasipuram,
Namakkal District 637 408.

5. The Block Development Officer,
Rasipuram Panchayat Union,
Rasipuram,
Namakkal District 637 408.

+1cc to Mr.TVJ Associates, Petitioner, Advocate, S.R.No.60788

+1cc to the Government Pleader, S.R.No.61522

WP.No.25170 of 2021

NR(CO)
RLP(03/12/2021)