



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.08.2021

CORAM:

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P (MD) No.14257 of 2021

R.Manikaaye

... Petitioner

versus

1.The District Collector,
Karur District,
Karur.

2.The District Office,
Disabled Persons Welfare Department,
Karur.

3.The Sub Collector,
Kulithalai,
Karur District.

4.The Thasildar,
Kulithalai Taluk,
Karur District.

5.The Village Administrative Officer,
Nadakkapatti,
Kulithalai Taluk,
Karur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, directing the respondents to issue patta in the petitioner name to the land comprised in Survey No.493/19 situated at Nadakkapatty, Thogamalai Village, Kulithalai Taluk, Karur District by considering the representation dated 12.07.2021.

For Petitioner : Mr.R.Shenbagaraj

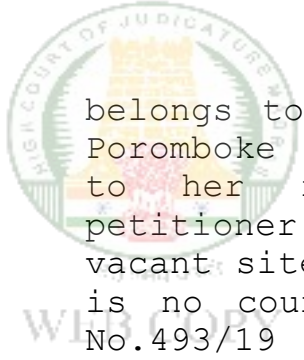
For Respondents : Mr.R.Baskaran

Counsel for State for R1 to R4

O R D E R

The petitioner seeks issuance of patta in her name in respect of the land comprised in Suvery No.493/19, Nadakkapatty, Thogamalai Village, Kulithalai Taluk, Karur District.

2. The petitioner claims that she is disabled as an after-effect of polio. She states that she lives in a small hut which



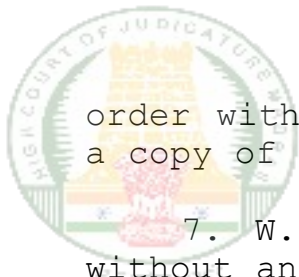
belongs to her father-in-law and was constructed in a Government Poromboke land. It is stated that there is a vacant site adjacent to her father-in-law's property in Survey No.493/19. The petitioner claims that she is in possession and enjoyment of such vacant site for about 40 years. According to the petitioner, there is no counter claim in respect of the property bearing Survey No.493/19 and therefore she requested for issuance of a patta in her favour in respect of such property. The petitioner relies upon a communication dated 13.07.2021 from the Department for the Differently-abled to the District Collector. By such communication, the District Collector has been called upon to consider the grant of a free house site patta to the petitioner in terms of the Rights of Persons with Disabilities Act 2016 and, in particular, Section 37(c) thereof, which envisages the provision of 5% reservation in allotment of land to persons with bench mark disabilities. The present writ petition is filed in such facts and circumstances.

3. Mr.R.Baskaran, learned counsel for the State, accepts notice on behalf of respondents 1 to 4. He submits that the petitioner's representation may be considered and disposed of on merits.

4. The petitioner has enclosed a pass book issued by the Government of Tamil Nadu indicating that she is a disabled person. Such pass book specifies her Identity Card number and also the disability Code in such regard. The Rights of Persons with Disabilities Act 2016 was enacted with the view to increase opportunity for persons with disabilities by providing reservation in identified posts. The said enactment also provides for the framing of appropriate schemes to provide reservation in the allotment of land to persons with disabilities.

5. In case the Government of Tamil Nadu has framed a specific scheme for allotment of land to persons with disabilities, the petitioner's application may be considered in terms thereof. Even otherwise, the petitioner's application may be considered under the regular scheme for allotment of land to homeless persons.

6. Subject to the above observations but without going into the merits of the matter, the fourth respondent herein is directed to consider the petitioner's application dated 12.07.2021 by taking into account the relevant provisions of the Rights of Persons with Disabilities Act 2016 and dispose of the application by a reasoned communication to the petitioner. The petitioner is permitted to submit any additional documents in such regard to the fourth respondent within a period of two weeks from the date of receipt of a copy of this order. The first and fourth respondents are directed to consider all of the aforesaid and pass a reasoned



order within a period of three months from the date of receipt of a copy of this order.

7. W.P.(MD).No.14257 of 2021 is disposed of on these terms without any order as to costs.

WEB COPY

Sd/-

Assistant Registrar (Cs-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

sbn

To

- 1.The District Collector,
Karur District,Karur.
- 2.The District Office,
Disabled Persons Welfare Department,
Karur.
- 3.The Sub Collector,
Kulithalai,
Karur District.
- 4.The Thasildar,
Kulithalai Taluk,
Karur District.
- 5.The Village Administrative Officer,
Nadakkapatti,
Kulithalai Taluk,
Karur District.

+1 CC to M/s.GP (SR-26362[F] dated 16/08/2021)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

W.P (MD)No.14257 of 2021

13.08.2021

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