



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.20515 of 2014

K. Inbavalli

...Petitioner

Vs

1. Deputy Collector (Revenue).
Revenue Department, Puducherry.

2. Tahsildar, Oulgaret Taluk,
Puducherry.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the Deputy Collector (Revenue) of the first respondent in his letter No.8242/DC/(R) N/Tsu-A4/2011 dated 18.10.2012 and to quash the same and consequently to direct the respondents to allot a Tsunami house to the petitioner in the Periyakalapet Fisherman Hamlet.

For Petitioner ... Mr.V. Ajayakumar

For Respondents ... Mr.J. Kumaran,
Additional Government Pleader (Pondicherry)

O R D E R

The present petition has been filed seeking the relief of quashment of the impugned order dated 18.10.2012 passed by the 1st Respondent herein and seeking a direction to the Respondents for allotment of Tsunami house to the petitioner.

2. The case of the petitioner is that the petitioner being one among the persons affected by Tsunami, was paid the compensation amount to the tune of Rs.20,000/- by the Government as an immediate relief for the damages caused to his boat. Subsequently, the Government on deciding to offer constructed houses to the tsunami affected persons under the scheme which was introduced by the Government of Puducherry, had prepared a list of beneficiaries including the name of the petitioner. Thereafter, a final list was prepared by the village committee



which was constituted to identify the beneficiaries under the scheme, based on which, the persons were provided with houses, however, the petitioner's name was not included and she was not provided with the house. Therefore, the petitioner filed a petition dated 27.02.2012 to the 1st Respondent seeking grant of house to the petitioner, however, the said petition was rejected by way of an impugned order dated 18.10.2012 stating that all the affected persons were granted houses based on the final list by the committee. Challenging the said impugned order, the petitioner has come before this Court seeking the relief of quashment of the same.

3. Learned counsel for the petitioner submits that the impugned order has come to be passed without specifying the ground on which the petitioner's application was rejected and the basis on which the beneficiaries under the scheme were selected for providing houses. Therefore, the impugned order of the 1st respondent is arbitrary, illegal and is liable to be set aside as the said order has been passed with total non-application of mind.

4. Learned Additional Government Pleader appearing for the respondents fairly concedes that the order impugned in this Writ Petition is without any reasons and, therefore, the said order may be set aside and the matter may be remanded to the Authority for fresh consideration.

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

6. A perusal of the order impugned in this Writ Petition reveals that it has been issued without giving any reason as to why the petitioner's application was rejected and the basis for rejecting the same. Therefore, the order dated 18.10.2012 impugned in this Writ Petition is liable to be set aside. Accordingly, the impugned order is set aside and the matter is remanded to the Authority/1st Respondent for fresh consideration.

7. This Writ Petition is allowed in the above terms. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

NHS



To

1. Deputy Collector (Revenue).
Revenue Department, Puducherry.

2. Tahsildar, Oulgaret Taluk,
Puducherry.

+1cc to Mr.V.Ajaya Kumar, Advocate SR.No.22170

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SSN(CO)
GN(06/06/2022)