



W.P.(MD).No.2568 of 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.08.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.2568 of 2013

M.Ramasamy

... Petitioner

Vs.

1.The District Collector,
Trichy.

2.The Special Tahsildar,
Land Acquisition,
Office of the District Minority and
Backward Class,
Trichy, Trichy District.

3.The Tahsildar, (Land Acquisition),
Manapparai Taluk Office,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in the 1st respondent proceedings in Na.Ka.Ba. 3/12626/2010, dated 15.11.2012 and to quash the same and consequently, to direct the respondents to grant free house site patta in Survey No.19/2 extent of 2 cents at Vyampatti, Manapparai Taluk, Trichy District.



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For Petitioner : Mr.P.Muthusamy
For Respondents : Mr.P.Thambidurai
Government Advocate

ORDER

The present writ petition has been filed challenging an order passed by the first respondent herein under which the request of the petitioner for grant of free assignment of land was rejected.

2. According to the learned Counsel appearing for the petitioner, originally a free order of assignment was granted in his favour and he was residing there, after putting up construction. The said lands were acquired for extension of Trichy Dindigul national highways. Hence, he again requested the first respondent herein for grant of alternative site by way of free assignment.

3. Under the impugned order, the first respondent has rejected the same on the ground that the petitioner has permanently left the said village and he has settled at Thiruppur. That apart, the petitioner's



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monthly income seems to be more than Rs.40,000/- and hence, he is not eligible for said free assignment of land. On these two grounds, the request of the petitioner has been rejected by the impugned order.

3. According to the learned Counsel for the petitioner, he has only temporarily shifted to Tiruppur in order to meet his livelihood but, he is only a permanent resident of Manapparai taluk.

4. Admittedly the petitioner is working in a Salon in Thiruppur. From the impugned order, it could be seen that the District Collector has arrived at the income of the writ petitioner as Rs.42,000/-. It is not known on what basis this income was arrived at.

5. In view of the above said facts, this Court is inclined to pass the following order.

- i) The impugned order in the writ petition is set aside and the matter is remitted back to the file of the first respondent herein.
- ii) The first respondent shall reconsider the request of the



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petitioner for grant of free assignment patta after giving due opportunity to the writ petitioner. The said exercise shall be completed within a period of 4 months from the date of receipt of a copy of this order.

6. With the above said observation, the writ petition is allowed. No costs.

11.08.2022

Index : Yes / No
Internet : Yes / No

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R.VIJAYAKUMAR ,J.

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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.

Order made in
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