



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.4331 of 2022

WEB COPY

Thiruvavdurai Adhinam,
rep. by Inspector,
Veeranathan,
S/o Murugan Chettiar,
11/10, Theppakulam Street,
Suchindram, Agasteeswaram Taluk,
Kanniyakumari District.

.. Petitioner

Vs

1.The District Collector,
Tirunelveli District, Tirunelveli.

2.The Block Development Officer,
Valliyoor, Tirunelveli District.

3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

4.President of South Valliyoor Village Panchayat,
South Valliyoor & Post,
Tirunelveli District.

5.Ramalingam

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 4 not to make allotment of the fund to construct house under the scheme, without the petitioners knowledge in Re-Survey No.668, situated at South Valliyoor, Radhapuram Taluk, Tirunelveli District, in favour of the 5th respondent.

For Petitioner : Mr.M.Ramu

For Respondents : Mr.D.Sasikumar for R1 & R3
Additional Government Pleader
Mr.S.Shanmugavel for R2 & R4

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 not to make allotment of the fund to construct house under the scheme, without the petitioner's knowledge in Re-Survey No.668, situated at South Valliyoor, Radhapuram Taluk, Tirunelveli District, in favour of the 5th



respondent, based on the petitioner's representation, dated 03.03.2022, within a time frame to be fixed by this Court.

2.It is the case of the petitioner that they are the owners of the aforementioned property and the fifth respondent is an encroacher. According to the petitioner, the fifth respondent is not entitled for any allotment of fund to construct a house in the aforementioned property as he is an encroacher. Since the representation, dated 03.03.2022, given by the petitioner has not been considered till date, they have filed this writ petition.

3.Heard Mr.M.Ramu, learned counsel appearing for the petitioner, Mr.D.Sasikumar, learned Additional Government Pleader, who accepts notice on behalf of the respondents 1 and 3 and Mr.S.Shanmugavel, learned counsel, who accepts notice on behalf of the respondents 2 and 4.

4.The petitioner has filed patta for the aforementioned property standing in their name along with the writ petition. It is for the second respondent to consider the petitioner's representation, referred to supra, on merits and in accordance with law, based on the documents produced by the petitioner before them.

5.No prejudice will be caused to the respondents if the petitioner's representation is considered on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent.

6.Accordingly, this Court directs the second respondent to consider the petitioner's representation, dated 03.03.2022, requesting the second respondent not to make allotment of fund to the fifth respondent, to construct house under the free housing scheme, without the petitioner's knowledge in Re-survey No.668, situated at South Valliyoor, Radhapuram Taluk, Tirunelveli District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner and the fifth respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

7.With the aforesaid directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



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.

To

- 1.The District Collector,
Tirunelveli District, Tirunelveli.
- 2.The Block Development Officer,
Valliyoor, Tirunelveli District.
- 3.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

+1 CC to M/s.M.RAMU, Advocate (SR-11701[F] dated 11/03/2022)

+1 CC to M/s.SPL GP (SR-11835[F] dated 14/03/2022)

+1 CC to M/s.SPL GP (SR-11861[F] dated 14/03/2022)

W.P. (MD)No.4331 of 2022
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SS/22.03.2022 : 3P/7C