



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE **ABDUL QUDDHOSE**

W.P. (MD)No.8235 of 2022

- 1.R.Natarajan
2.G.Shajahan
3.A.Krishnan
4.R.Durairaj
5.M.Ganesan
6.K.Chandran
7.C.Nagasamy

.. Petitioners

Vs.

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Revenue Officer,
O/o. Collectorate Campus,
Sivagangai District,
Sivagangai.
- 3.The Revenue Divisional Officer,
Devakottai,
Sivagangai District.
- 4.The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

... Respondents

PRAYER: Petition filed under Article 235 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 to 4 to grant assignment of house site patta in favour of the petitioners in respect of S.No.236 of Kazhanivasal Village, Karaikudi Taluk, Sivagangai District, based on the petitioners' representation, dated 08.04.2022, within the time frame as fixed by this Court.

For Petitioners : Mr.S.Balamurugan
For Respondents : Mr.B.Saravanan
Additional Government Pleader.

ORDER

This writ petition has been filed for a Mandamus seeking for a direction to the respondents 1 to 4 to grant assignment of house site patta in favour of the petitioners in respect of S.No.236 of Kazhanivasal Village, Karaikudi Taluk, Sivagangai District, based



on the petitioners' representation, dated 08.04.2022, within the time frame to be fixed by this Court.

2.It is the contention of the petitioners that though the petitioners were allotted the aforementioned property under an assignment in the year 1994, due to pending litigations, the petitioners did not fulfill the terms and conditions of the assignment allotment. According to the petitioner, now they are ready and willing to comply with the terms and conditions as required by the respondents for getting the assignment in their favour for the aforementioned property. In such circumstances, they have given a representation on 08.04.2022, to the respondents, seeking for an assignment order in their favour for the aforementioned property. Since the representation has not been considered till date, they have filed this writ petition.

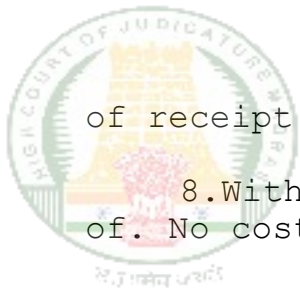
3.Heard Mr.S.Balamurugan, learned counsel appearing for the petitioners and Mr.B.Saravanan, learned Additional Government Pleader, who accepts notice on behalf of the respondents.

4.On instructions, the learned Additional Government Pleader, appearing for the respondents would submit that the assignment allotment were made in the year 1994 and since the petitioners did not fulfill the terms and conditions of the allotment, the same were not assigned in favour of the petitioners. He would further contend that subsequently, the properties were allotted to another persons and therefore, the properties are not available. The said statement is recorded.

5.On instructions, the learned counsel for the petitioners would submit that after getting information under the Right to Information Act, it is brought to the knowledge of the petitioners that the properties are still available. The said statement is recorded.

6.No prejudice will be caused to the respondents, if the petitioners' representation is considered on merits and in accordance with law and pass final orders, after affording a fair hearing to the petitioners and any other necessary parties, whom the first respondent deems fit to enquire, including granting them the right of personal hearing, within a time frame to be fixed by this Court.

7.For the foregoing reasons, this Court directs the first respondent to consider the petitioners' representation, dated 08.04.2022, seeking for assignment of house site patta in favour of the petitioners in respect of S.No.236 of Kazhanivasal Village, Karaikudi Taluk, Sivagangai District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioners and other necessary parties, whom the first respondent deems fit to enquire, within a period of four months from the date



of receipt of a copy of this order.

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

Sd/-

Assistant Registrar (A.D.I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

TM

To

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The District Revenue Officer,
O/o. Collectorate Campus,
Sivagangai District,
Sivagangai.

3. The Revenue Divisional Officer,
Devakottai,
Sivagangai District.

4. The Tahsildar,
Karaikudi Taluk,
Sivagangai District.

+1 CC to M/s.S. BALAMURUGAN, Advocate (SR-21749[F] dated 27/04/2022)

+1 CC to M/s.SPL.GP (SR-22361[F] dated 28/04/2022)

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RD(24.05.2022) 3P 7C