



W.P(MD)No.5942 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P(MD)No.5942 of 2023

P.Santhimary

... Petitioner

Vs.

1.The District Collector
Dindigul District,
Dindigul.

2.The Revenue Divisional Officer,
Dindigul.

3.The Tashildar
Aathoor Taluk,
Dindigul District.

4.The Block Development Officer
Aathoor Union Office,
Dindigul District.

5.The President
Alamarthupatti Panchayat,
Aathoor Taluk,
Dindigul District.

... Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the third respondent to consider the petitioner's representation dated 06.02.2023 and consequently directing them to issue free Housing Patta.

For Petitioner : Mr.B.Senthilkumar

For Respondents : Mr.J.Ashok - for R1 to R4
Additional Government Pleader

ORDER

The writ petition has been filed in the nature of Mandamus seeking consideration of a representation dated 06.02.2023 and to direct the third respondent, Tahsildar, Aathoor Taluk, Dindigul District to consider the said representation and issue free housing patta in any alternative place to the petitioner herein. The petitioner is now residing in 4/135B, Alamarathupatti, Renganathapuram, Alamarathupatti, Aathoor Taluk, Dindigul District.

2. In the affidavit, she claims that she has been residing there for several years. In the mean while, a W.P.(MD)12056 of 2021



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came to be filed in the nature of a 'Public Interest Litigation' by one Rajarathinam with respect to the very same area where the petitioner is residing seeking to vacate / remove the encroachments made in the cart-track. That writ petition was allowed by order, dated 26.10.2022 by the Division Bench of this Court. Consequently, the respondents have taken steps to remove the encroachments which also included the petitioner herein.

3. The learned counsel for the petitioner drew notice to two communications issued by the third respondent / Tahsildar dated 16.11.2017 and 20.12.2017 wherein it had been stated that with respect to the Special Schemes, grant of alternative site would be considered. The petitioner had given a representation seeking alternate sites for residential purpose, since notice had been issued by the third respondent asking the petitioner to vacate the premises.

4. The third respondent may examine the representation given by the petitioner in the light of the judgment of the Division Bench of this Court in W.P.(MD) No.12056 of 2021 dated 26.10.2022 and also



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whether the petitioner can be granted any relief and then take a considered decision. Such decision should be taken within a period of six weeks from the date of receipt of a copy of this order. Before taking such decision, notice must be issued to the petitioner and the petitioner must also be heard.

5. With the above observation, the writ petition stands disposed of. No costs.

20.03.2023

Index :Yes/No
Internet :Yes/No
NCC : Yes / No
rm



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C.V.KARTHIKEYAN, J.

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