



W.P(MD)No.27848 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.27848 of 2022

K.Enneskay

... Petitioner

Vs

1.The District Collector,
Office of the Collectorate Buildings,
Karur District – 639 007.

2.The Tahsildar,
Office of the Tahsildar Office,
Krishnarayapuram Taluk,
Krishnarayapuram,
Karur District.

3.K.Gunasundari
***(R.3 is impleaded vide order of
this Court dated 15.02.2023)***

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to assign patta to the petitioner under the Free House site scheme for a piece of land measuring about 3 cents comprised in S. No.392/38, Pillapalayam Village, Krishnarajapuram Taluk, Karur District, on the basis of the petitioner's representations dated 09.05.2022 and 27.07.2022.



W.P(MD)No.27848 of 2022

For Petitioner : Mr.M.Ponniah

For Respondents : Mr.M.Siddharthan
Additional Government Pleader
for R.1 & R.2

Mr.M.Jerin Mathew for R.3

ORDER

Heard the learned counsel on either side.

2.The writ petitioner is serving as an army man. His roots are in Pillapalayam Village. He belongs to Scheduled Caste community. He seeks three cents of land in the petition mentioned survey number. The third respondent who got impleaded opposes the said request on the ground that it is in his occupation by virtue of the proceedings issued by the then Sub Collector way back in the year 1961.

3.The learned Additional Government Pleader appearing for the respondents 1 and 2 states that 1½ cents of land has been identified for allotting to the petitioner in natham Survey No.235/12.

4.The petitioner however insists that he should be given only in the petition mentioned survey number that is 392/38. Since the second respondent appears to have already taken a decision in this regard, I direct the first



W.P(MD)No.27848 of 2022

respondent to take a call in the matter. The first respondent will take note of all the relevant aspects. The fact that the petitioner is serving as army man and belongs to Scheduled Caste community will definitely be factors that will weigh with the discretion of the District Collector. Of course, before passing final order the first respondent will also put the third respondent on notice. The entire exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

5.This writ petition is disposed of accordingly. There shall be no order as to costs.

15.02.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA

To

1.The District Collector,
Office of the Collectorate Buildings,
Karur District – 639 007.

2.The Tahsildar,
Office of the Tahsildar Office,
Krishnarayapuram Taluk,
Krishnarayapuram,
Karur District.



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W.P(MD)No.27848 of 2022

G.R.SWAMINATHAN, J.

MGA

W.P(MD)No.27848 of 2022

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