



WEB COPY



WP.No.19320 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

WP.No.19320 of 2024
and W.M.P.No.21686 of 2024

Vijayavalli

.. Petitioner

Versus

1.The Principal Secretary to Government
Revenue and Disaster Management
Chennai

2.The District Collector
Tiruvallur District

3.The District Revenue Officer
Tiruvallur District

4.The Revenue Divisional Officer
Tiruvallur District

5.The Tahsildar
Poondhamalli, Tiruvallur District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records of the 5th respondent dated 23.12.2022 in Na.Ka.NIL/2022/A5 and quash the same and consequently direct the respondents to assign the petitioner a free house site in any feasible area to which the petitioner is eligible as sought vide representation dated 15.10.2022.

For Petitioner : Mr.I.Kowser Nissar

For Respondents : Mr.A.Selvendran
Special Government Pleader



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ORDER

Challenge has been made to the proceedings of the fifth respondent dated 23.12.2022, quash the same and direct the respondents to assign free house site to the petitioner.

2. It is the grievance of the writ petitioner that the petitioner is a poor widow of S.Muthaiyan, Ex-service man, who died during 2009. The petitioner requested for issuance of house site patta in respect of the property in S.Nos.37/3, 38/4 and 39, Chennikuppam Village, Poonamallee, Tiruvallur District for 5 cents and the same was required on 11.08.2015. Subsequently, petitioner made fresh representation and the same was dismissed vide proceedings dated 23.12.2022 on the ground that there is a bar for grant of patta in S.Nos.37/3, 58/4. Hence, this writ petition.

3. With the consent of both parties, this writ petition is taken up for final disposal in the admission stage itself.

4. The learned Special Government Pleader also brought to the notice of this Court in G.O.No.1135, Revenue Department dated 17.03.1962, wherein, the assignment of land for issuance of patta in survey numbers lying within 32 kilometres from the Madras City limit is totally barred.



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5. Heard both sides and perused the materials placed on record.

6. At the outset, this Court is of the view that since there is a Government Order barring the issuance of patta, as a matter of right, the petitioner cannot seek for a free house site patta. Such view of the matter, I do not find any merits in the case. However, if there is any feasibility for issuance of patta and if at all the petitioner is otherwise eligible for patta, the respondents may consider the request of the petitioner.

7. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

23.07.2024

dhk

Index : Yes/No

Neutral Citation : Yes/No

N. SATHISH KUMAR, J.



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