



W.P(MD)No.16707 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.03.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P(MD)No.16707 of 2021

Arumugasamy

... Petitioner

Vs.

1.The District Collector,
Collectorate Building,
Thoothukudi District.

2.The Tahsildar,
Ottapidaram,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation, dated 19.07.2021 for issuance of house site patta for petitioner's house which situated in S.No.305 at Veppalodai, Ottapidaram Taluk, Thoothukudi District based upon the G.O.No.318, dated 30.08.2019 and G.O.No.480, dated 11.09.2020.

For Petitioner : Mr.S.Moorthy



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For Respondents : Mr.S.R.A.Ramachandran,
Additional Government Pleader

ORDER

The Writ Petition has been filed seeking a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation, dated 19.07.2021 for issuance of house site patta for petitioner's house situated in S.No.305 at Veppalodai, Ottapidaram Taluk, Thoothukudi District based upon the G.O.No.318, dated 30.08.2019 and G.O.No.480, dated 11.09.2020.

2. The case of the writ petitioner is that his father had residence at S.No.305 in Veppalodai Village and they have been in possession and enjoyment of the said property for more than 40 years; that after the death of their father the petitioner's brother Muniyasamy, by constructing a house in 2008, had been residing by paying panchayat taxes; that thereafter, the said property was allotted to the petitioner in the partition held in their family; that the petitioner had been enjoying the property by paying taxes to the panchayat and also electricity charges to the electricity department; that when the petitioner was attempting to



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construct a building in the adjoining vacant place, the second respondent has raised objections on the ground that the survey No.305 has been classified as a poramboke and that therefore, writ petitioner was constrained to file the above petition.

3. The learned counsel for the petitioner would submit that the petitioner has also submitted a representation, dated 19.07.2021 to the second respondent, but till now they have not passed any orders nor permitted to raise the building.

4. When the matter is taken up for hearing today, the learned Additional Government Pleader appearing for the respondents would submit that Survey No.305, has been classified as temple proamboke in the revenue records. He would further submit that the first Bench of this Court in ***Writ Appeal Nos.126 of 2022 and batch cases, dated 13.06.2022***, headed by the Hon'ble Chief Justice, while confirming the judgment of the learned single Judge that the land of temple poramboke could not have been assigned to the Fisheries Department in violation of the Act of 1959 and Rule 13 of the Revenue Standing Order No.26, dismissed the appeals. He would further submit that the second



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respondent may be directed to consider the representation, by taking note of the nature of the property, which is now under dispute.

5. Considering the facts and circumstances of the case and taking note of the submission made by the learned counsel on either side, the second respondent is directed to consider the petitioner's representation, dated 19.07.2021 and to pass orders in accordance with law within a period of six weeks from the date of receipt of copy of this order.

6. With the above direction, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

04.03.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
das



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To

- 1.The District Collector,
Collectorate Building,
Thoothukudi District.
- 2.The Tahsildar,
Ottapidaram,
Thoothukudi District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR, J

das

Order made in
W.P(MD)No.16707 of 2021

Dated : 04.03.2024