



W.P.(MD) No.22012 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22012 of 2024

M.R.Soundarajan

.. Petitioner

Vs.

1.The District Collector,
Pudukottai District,
Pudukottai.

2.The Revenue Divisional Officer,
Pudukottai Revenue Division,
Pudukottai.

3.The Tahsildar,
Kandarvakottai Taluk Office,
Kandarvakottai,
Pudukottai District.

4.The Block Development Officer,
Kandarvakottai Panchayat Union,
Kandarvakottai,
Pudukottai District.

5.Panner Selvam

6.Thangam

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, directing the 2nd respondent to conduct an enquiry and dispose of the petitioner's appeal / representation, dated 12.07.2023 submitted for cancellation of Patta No. 778 for the property situated in Survey No.250/1, (0.01.0 ares) Kaatunaval Village, Kandarakottai taluk, Pudukottai district in the light of proceedings issued by the 3rd respondent, dated 19.09.2023 and 07.11.2023.

For Petitioner : Mr.G.Thalaimuthurasu

For R1 – R4 : Mr.D.S.Nedunchezian
Government Advocate

ORDER

Seeking a mandamus to the 2nd respondent to conduct an enquiry and dispose of the petitioner's appeal, dated 12.07.2023, the petitioner is before this Court.

2. It is the contention of the petitioner that the property measuring an extent of 0.01.0 ares in Survey No.250/1 at Kaatunaval Village, Kandarakottai taluk, Pudukottai district bearing Patta No.778 belong to



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the Government. However, free house site patta was wrongly issued in favour of one Panneerselvam vide proceedings in T.K.8A/380/1429, dated 06.03.2020. This despite the fact that nearly 10 years prior to the grant of patta, a borewell had been dug in the subject property and pipes had been laid and electric motor was fixed for drawing water for the use of the general public and an overhead tank was also built and the 5th respondent was appointed as the Overhead Tank Operator. The 5th respondent started residing in the said land by building a house and started using the iron pipes of the borewell.

3. Therefore, the petitioner in order to restore the land back to the public use, had submitted a petition to the respondents on 12.07.2023 and the Revenue Inspector had recommended to the 3rd respondent that the free house site patta granted in favour of the 5th respondent should be cancelled. Thereafter, the 4th respondent had informed the petitioner vide proceedings, dated 31.08.2023 that steps have been taken for building a new overhead tank. The 3rd respondent vide his proceedings, dated 19.09.2023 addressed to the 2nd respondent and petitioner that a free



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house site patta in Survey No.250/2 measuring an extent of 0.01.0 ares in Patta No.325 had been issued in the name of the 5th respondent's wife 6th respondent, namely Thangam. Despite the wife having a free house site patta, the 5th respondent has also been given free house site patta. Therefore, the petitioner would submit that the 2nd respondent is not coming forward to cancel the free house site patta issued to the 5th respondent and it appears that the 2nd respondent is colluding with the 5th respondent. Therefore, the petitioner is come forward with the present writ petition.

4. Considering the serious allegation that have been made and taking note of the fact that a free house site patta has not only been given to the 5th respondent, but also to his wife 6th respondent which is *per se* violative of the rules granting the issue of free house site patta, the 2nd respondent is directed to consider the representation of the petitioner, dated 12.07.2023 and pass a speaking order within a period of one (1) month from the date of receipt of copy of this order.



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5. With the above direction, this Writ Petition stands allowed. No costs.

13.09.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

- 1.The District Collector,
Pudukottai District,
Pudukottai.
- 2.The Revenue Divisional Officer,
Pudukottai Revenue Division,
Pudukottai.
- 3.The Tahsildar,
Kandarvakottai Taluk Office,
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Kandarvakottai Panchayat Union,
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P.T.ASHA, J.

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