



W.P.(MD) No.3475 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2024

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THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.(MD) No.3475 of 2017

D.Antony Sebastian

... Petitioner

/vs./

**1.The District Collector,
Tirunelveli District,
Tirunelveli.**

**2.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.**

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to issue free house site patta to the petitioner in Thandayarkulam Village, Panakudi, Tirunelveli District or in nearby village in view of the 2nd respondent's assurance made in Na.Ka.Aa3/4802/2014 dated 21.01.2016 within the period stipulated by this Court.



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For Petitioner : Mr.M.Mohamed Sherbudeen

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

The above writ petition has been filed for a Mandamus to direct the second respondent to issue free house site patta to the petitioner in Thandayarkulam Village, Panakudi, Tirunelveli District or nearby village in view of the second respondent's assurance made in Na.Ka.Aa3/4802/2014 dated 21.01.2016 within the period to be stipulated by this Court.

2. The petitioner has been forced by the inaction on the part of the respondents to once again approach this Court. This writ petition also brings to the fore the indifference that the public authorities have displayed to the orders of this Court that have been passed after hearing both the parties. The petitioner before this Court and who is requesting a free house site patta is one, who does not have a permanent income. The petitioner had earlier knocked the doors of this Court by filing W.P.(MD) No.20867 of 2015 seeking the very same relief. This Court after hearing the parties had passed the following order:



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"4. First of all, whether the petitioner is eligible to get free house site patta or not is a question that has to be considered and decided on merits by competent authorities namely, the first respondent and the second respondent and therefore this Court at this stage is not expressing any view on the claim made by the petitioner in respect of grant of such patta. However as it is seen that his representation dated 12.06.2015 is pending before the first respondent, I only direct the first respondent to consider such representation and pass orders on the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order."

3. This order had been passed as early as on 25.11.2015 and the order had clearly stipulated that the representation of the petitioner dated 12.06.2015 had to be considered and orders shall be passed within a period of 12 weeks from the date of receipt of a copy of that order. The order has remained on paper compelling the petitioner to once again file this writ petition. The petitioner for reasons best known has chosen to file a writ petition instead of filing an application for contempt.



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4. In the light of the above, a Mandamus is issued to the second respondent to issue free house site patta to the petitioner in Thandayarkulam Village, Panakudi, Tirunelveli District or nearby village in view of the second respondent's assurance made in Na.Ka.Aa3/4802/2014 dated 21.01.2016 on or before 03.09.2024.

5. The Writ Petition stands allowed with the above directions. No costs.

Post on 03.09.2024 for reporting compliance.

Speaking : Yes / No
NCC : Yes / No
Internet : Yes / No
Index : Yes / No

19.08.2024

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To

1.The District Collector,
Tirunelveli District,
Tirunelveli.



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2.The Tahsildar,
Radhapuram Taluk,
Radhapuram,
Tirunelveli District.



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P.T.ASHA, J.

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