

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.33266 of 2016 &

WMP No. 28742 of 2016

Ellammal
[PETITIONER]

Vs

- 1 The District Collector
Dharmapuri District
Dharmapuri
- 2 The District Adhi Dravidar Welfare Officer
Dharmapuri District
Dharmapuri
- 3 The Special Tahsildhar
(Adhi Dravidar Welfare)
Dharmapuri Taluk and District.
- 4 The Inspector of Police
Palacode Police Station
Dharmapuri District
- 5 Madheswaran
- 6 Velu
- 7 Murugan
- 8 Chinnasamy

[RESPONDENTS]

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus, to forbear the respondents 1 to 4 herein from converting the petitioner's house as public place in Plot No.

29, Situate at Golla Halli Village, Palacode Taluk, Dharmapuri District based on the representation of the petitioner dated 12-09-2016.

For Petitioner :Mr.C.Prabakaran

For Respondents :Mr.R.A.S.Senthilvel R1 to R4
Govt. Advocate

O R D E R

Heard Mr.C.Prabakaran, learned counsel is appearing for the petitioner and Mr.R.A.S.Senthilvel, learned Government Advocate, appearing for the respondents 1 to 4 and with the consent of the learned counsel appearing on either side, the Writ Petition itself is taken up for final disposal.

2.The petitioner claims that she was allotted a land under the 'Free House Site Patta Scheme, considering the fact that she belongs to Scheduled Case (Arunthadhiyar) Community. The petitioner initially put up a hut and subsequently, has put up construction using Hollow Blocks. While so, it is represented that the respondents 5 to 8 claiming themselves to be the political leaders in the area, attempted to dispossess the petitioner and the petitioner's daughter has lodged a Police complaint before the Inspector of Police, Palacode, on 31.08.2016. Parallellly, the petitioner has submitted a representation to the first respondent on 12.09.2016, reporting the incident and enclosing the copy of the list of beneficiaries, the certificate issued by the Village Administrative Officer and the xerox copy of the patta. Apprehending that the petitioner will be thrown out by muscle power, the petitioner is before this Court.

3.Prima facie this Court is satisfied that there is document to show that the petitioner has been granted patta. Further, whether the petitioner is in occupation of the land allotted to her or otherwise, is a matter to be enquired into, which cannot be examined in a Writ Petition.

4.Therefore, there will be a direction to the third respondent Tahsildar to inspect the property, within a period of two weeks from the date of receipt of a copy of this order and submit a report to the District collector, who on receipt of the report, shall pass appropriate orders on merits and in accordance with law, within a period of three weeks thereafter. Till then, status quo with regard to the possession of the property in question which is prevailing as on today (22.09.2016), shall be maintained. It is needless to state that

the concerned parties should be heard i.e. including the petitioner and the private respondents. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

rpa

To

- 1 The District Collector
Dharmapuri District
Dharmapuri
- 2 The District Adhi Dravidar Welfare Officer
Dharmapuri District
Dharmapuri
- 3 The Special Tahsildhar
(Adhi Dravidar Welfare)
Dharmapuri Taluk and District.
- 4 The Inspector of Police
Palacode Police Station
Dharmapuri District

+1 Cc to Mr. C. Prabakaran, Advocate Sr.No.54120
+1 CC the Government Pleader, High Court, Madras Sr.No.54482

W.P.No.33266 of 2016

EV (CO)
MD : 22/10/2016

WEB COPY