

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE B.RAJENDRAN

Writ Petition No. 44779 of 2016

1. E.Jayanthi
2. M.Sathyavani
3. K.Bernath Mary
4. A.Gomathy
5. V.Manjula
6. V.Nirmala
7. T.Jansirani
8. P.Jayanthi
9. M.Kantha
10. A.Chinnathai
11. T.Sri Devi

... Petitioners

Versus

1. The District Collector
Vellore District,
Vellore.
2. The District Adi Dravidar Welfare Officer,
Adi Dravidar Welfare Department,
Tirupatthur Division,
Vellore District.
3. The Special Tahsildar,
Adi Dravidar Welfare Department,
Thirupatthur Division,
Vellore District

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to issue free house site patta to the petitioners by considering the petitioners' representation dated 13.06.2016.

For Petitioners: Mr. P. Kannan Kumar

For Respondents: Mr.R.S.Selvam,
Government Advocate

O R D E R

The petitioners have come up with this Writ Petition seeking a direction to the first respondent to issue free house site patta to them, by considering their representation dated 13.06.2016.

2. According to the petitioners, they are residing in Somalapuram Village and all of them belong to Scheduled Caste Community. It is their case that the lands in Survey Nos.148/132, 163/4 and 145/1C2D were acquired for providing housing site to the houseless Adi Dravidars and accordingly, the 1st respondent/District Collector issued Patta to the landless Adi Dravidars. While so, the 1st petitioner's husband viz. Mr.Evera made a representation to the authorities to cancel the patta issued to ineligible persons. Since no action was taken by the respondents, the first petitioner's husband filed Writ Petition in W.P.22939 of 2010 and vide order dated 07.10.2010, this Court directed the first respondent therein to pass final orders on the representation dated 29.09.2010 within a period of four months. Pursuant thereto, the respondents conducted enquiry and the 1st respondent passed final orders vide his proceedings dated 24.09.2010, cancelling 25 pattas which were granted in violation to the Rules. The grievance of the petitioners is that though their names were considered and recommended by the respondents for issuance of free house site pattas, till date they are deprived of the same.

3. Learned Government Advocate appearing for the respondents submitted that in the earlier representation made for issuance of free house site pattas, the names of petitioners 2 to 11 finds place, whereas, the name of the 1st petitioner is missing. Further, he produced a communication dated 03.01.2017 addressed by the Tahsildar, Tirupattur to him, wherein, it is stated that issuance of free house site pattas will be considered, after taking necessary steps to evict the encroachers in Somalapuram Village.

4. I heard the learned counsel for both sides and perused the materials placed on record. In the communication dated 03.01.2017 of the Special Tahsildar, Thirupattur addressed to the learned Additional Government Pleader, it was stated that earlier, 105 free house site pattas were granted to houseless

Adidraavidars in respect of the land comprised in Survey No.148/1B2; 73 free house site pattas were granted in connection with the land comprised in Survey No.145/1C2D and 49 house site pattas were granted in the land in Survey No. 163/4. However, after issuing free house site patta, the authorities have received several complaints complaining that pattas were granted to ineligible persons. Therefore, an enquiry was conducted and ultimately, the District Collector, Thirupathur has passed an order dated 24.09.2010 cancelling 25 free house site pattas granted in favour of the ineligible persons. It was further stated that steps are being taken through the Tahsildar, Ambur to remove encroachments made by some other persons and after removal of the same, the claim of the eligible persons for issuance of free house site patta will be considered. Further, it is seen from the communication dated 22.02.2011 of the Special Tahsildar, Thirupathur addressed to the District Adi Dravidar Welfare Officer, Vellore that the names of the petitioners 2 to 11 herein have been included in the annexure to the said communication dated 22.02.2011 recommending to issue free house site pattas to them. However, the name of the first petitioner is not included therein. It is evident that even though the claim of the petitioners 2 to 11 for issuance of house site patta has been recommended to be considered, till date, their claim has also not been considered. Therefore, all the petitioners have jointly sent a representation dated 13.06.2016 to the respondents herein reiterating their claim for issuing free house site pattas in their favour. Since there was no response to the representation dated 13.06.2016, the petitioners have approached this Court with this writ petition. The fact remains that even though recommendation was made to issue free house site pattas to the respondents 2 to 11 in which the name of the first petitioner has not been included, till date, the said recommendation has not been given effect to. Therefore, it is suffice to direct the respondents to consider the claim of the petitioners 2 to 11 on the basis of the recommendation made in the communication dated 22.02.2011 of the Special Tahsildar, Thirupathur and also to consider the claim of the first petitioner on the basis of the representation dated 13.06.2016 made by her along with the other petitioners and if the first petitioner is eligible, the respondents shall also consider her claim for issuance of free house site patta. Accordingly, the respondents are directed to consider claim of the petitioners on the basis of the representation dated 13.06.2016 in the light of the communication dated 22.02.2011 of the Special Tahsildar, Thirupathur and pass orders thereon on merits and in accordance with law after giving sufficient opportunity of hearing to the petitioners within a period of three months from the date of receipt of a copy of this order.

5. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To:

1. The District Collector,
Vellore District,
Vellore.
2. The District Adi Dravidar Welfare Officer,
Adi Dravidar Welfare Department,
Tirupatthur Division,
Vellore District.
3. The Special Tahsildar,
Adi Dravidar Welfare Department,
Thirupatthur Division,
Vellore District.

+1cc to the Government Pleader Sr.882
+1cc to Mr.P.Kannankumar, Advocate Sr.1551

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W.P.No. 44779 of 2016

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