

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2017

CORAM

THE HON'BLE MR. JUSTICE M. DHANDAPANI

W.P.No.37461 of 2004

Malliga

... Petitioner

vs.

1.The District Collector
Salem District
Salem.

2.The Revenue Divisional Officer
Collectrate
Salem - 1.

3.The Adi Dravidar Welfare Officer
Collectrate
Salem - 1.

4.The Special Tahsildar
Adi Dravidar Welfare
Jawan Building
Shevepet
Salem - 2.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the first respondent to issue House Site Patta to the petitioner as per the list prepared by the committee appointed by the first respondent in the month of June 2004 in pursuant to the proceedings in Na.ka.No. 2513/99/D8 dated 28.01.2002.

For Petitioner : Mr.V.Elangovan

For Respondents : Mr.M.Elumalai
Government Advocate

O R D E R

The petitioner filed the writ petition seeking for a direction to the first respondent to issue a House Site Patta to the petitioner

2.The case of the petitioner from material records is as follows:

2.1.The petitioner belongs to Adi Dravidar Community. He is a poor and landless person. He is living at Govinda Gounder Thottam, Pavendar Street, in Periyeri village along with others, who belong to the same community. The petitioner and others have jointly given their request to the first respondent to provide house sites. For the benefit of the petitioner's community, the first respondent issued notifications for the acquisition of lands in S.No.1 of Alagapuram Pudur Village to an extent of 2.52.5 hectares (6.24 acres) for Adi Dravidas. For assignment of land to the petitioner community, the fourth respondent prepared a list, in which, the name of the petitioner is found at Sl.No.7.

2.2.Though the land was acquired and the allotment list was given, no order has been passed to provide house sites to the petitioner and the petitioner's community. Since there was dispute between the politicians and the Revenue authorities, the first respondent passed an order dated 28.01.2002 constituting a three member committee consisting of respondents 2, 4 and the Zonal Deputy Tahsildar and directed them to enquire into the list of members given earlier, identify and select the beneficiaries. Finally, the committee prepared the list in the month of June 2004. Though the name of the petitioner is found in the list, till date, no house site has been allotted to the petitioner. Thereafter, the second and third respondents, in collusion with the local politicians, prepared a new list deleting the name of the petitioner and they added names of some strangers. Therefore, the petitioner's community gave a compliant to the first respondent on 13.09.2004 to confirm the list given by the committee in the month of June 2004. But till date, no response has been received from the respondents. Hence, the present writ petition has been filed by the petitioner.

3.When the matter is taken up for hearing, the learned counsel appearing for the petitioner submitted that it is suffice to issue a direction to the first respondent to dispose of the representation of the petitioner seeking for allotment of house sites and liberty may be given to the petitioner to give a fresh representation to the authority concerned.

4.Considering the limited scope of prayer sought for by the petitioner, liberty is given to the petitioner to give a fresh representation to the authority concerned along with the copy of this order. After the receipt of the representation of the petitioner, the authority concerned is directed to consider the same and pass orders on merits as early as possible.

5.With the above direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

cla/msrm

To

1.The District Collector,
Salem District,
Salem.

2.The Revenue Divisional Officer,
Collectrate,
Salem - 1.

3.The Ado Dravidar Welfare Officer,
Collectrate,
Salem - 1.

4.The Special Tahsildar,
Adi Dravidar Welfare,
Jawan Building,
Shevepet,
Salem - 2.

+1cc to Mr.S.Doraisamy , Advocate sr.64247

+1cc to Government Pleader sr.65451

W.P.No.37461 of 2004

ss(6/10/2017)