



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.14137 of 2015
and
MP(MD)No.1 of 2015

A.Gurupandi

... Petitioner

vs.

1. The Secretary to Government,
Rural Development and Panchayat Raj Dept.,
Fort St.George, Chennai - 600 009.
2. The District collector,
Madurai District,
Madurai - 625 020.
3. The Project Officer,
District Rural Development Agency (DRDA),
Madurai - 625 020.
4. The Block Development Officer,
Usilampatti Panchayat Union,
Peraiyur Road, Usilampatti,
Madurai District - 625 532.
5. The Tahsildar,
Usilampatti Taluk,
Usilampatti - 625 532.

6. M.Thanikodi

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari Mandamus calling for the records relating to the rejection of the petitioner's application dated 09.02.2011 for the allotment of house at Pothampatti Samathuvapuram by the 3rd respondent in the proceedings of Na.Ka.No.1417/2014/D8 dated 17.07.2015 and quash the same and consequently direct the respondents to allot House No.37 of Pothampatti Samathuvapuram of Usilampatti Panchayat Union to the petitioner within the time stipulated by this Court.

For Petitioner
For RR - 1 to 5

: Mr.A.B.Natarajan
: Mr.T.S.Mohammed Mohideen
Additional Government Pleader.

<https://hcservices.ecourts.gov.in/hcservices/>

For R - 6

: Mr.K.R.Laxman

**ORDER**

This writ petition has been filed seeking to quash the impugned order dated 09.02.2011 passed by the third respondent and consequently direct the respondents 1 to 5 to allot House No.37 of Pothampatti Samathuvapuram of Usilampatti Panchayat Union to the petitioner.

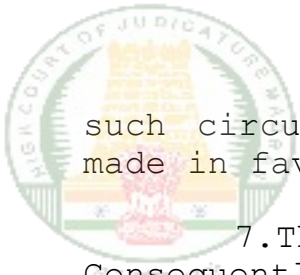
2. Heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader for the respondents 1 to 5 and the learned counsel for the sixth respondent.

3. The main contention of the petitioner is that his claim for allotment of House No.37 at Pothampatti Samathuvapuram of Usilampatti Panchayat Union came to be rejected without adducing any proper reason. Since he is residing in the same village for a quite number of years, the denial of the authorities to consider his claim and allotting the same to the sixth respondent who is living far away place from Pothampatti Samathuvapuram, deserves to be challenged.

4. The fourth respondent filed counter affidavit, wherein it has been specifically averred that house No.37 in Pothampatti Samathuvapuram has been allotted in favour of the sixth respondent who is a blind person living adjacent to Pothampatti Samathuvapuram and only on the basis of thorough investigation conducted by the allotment committee which selected beneficiaries, allotment was made in favour of the sixth respondent who belongs to the Adi Dravidar community and differently abled person who lost the capacity to work due to defective eyes. It is also specifically averred in the counter affidavit that the petitioner is residing with his mother and already two houses in the same Samathuvapuram which were allotted in favour of his two brothers and the Selection Committee specifically considered this point and allotted house No.37 to the sixth respondent. It is also averred in the counter affidavit that since the petitioner is residing in a pucca building constructed with tin sheeted roofing to an extent of 10 square meter of the Government land, comprised in S.No.289, classified as "Pothampatti Kanmaikarai", which was illegally encroached, eviction notice came to be issued by the Assistant Executive Engineer, Public Works Department kunder Basin circle. Hence, the fourth respondent prayed for dismissal of the writ petition.

5. I have considered the rival submissions made on either side and perused the material documents available on record.

6. The writ petitioner, who is an encroacher of the Government land, got subsequently evicted and allotment had already been made in favour of his two brothers. The petitioner's claim cannot be considered, since such allotment is only on the basis of selection made by the Selection Committee for the eligible allottees. Under



such circumstances, this Court finds fit to affirm the allotment made in favour of the sixth respondent.

7. This writ petition is dismissed accordingly. No costs. Consequently, MP(MD)No.1 of 2015 is closed.

WEB COPY

Sd/-
Assistant Registrar (CS-III)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Rural Development and Panchayat Raj Dept.,
Fort St. George,
Chennai - 600 009.
2. The District collector,
Madurai District,
Madurai - 625 020.
3. The Project Officer,
District Rural Development Agency (DRDA),
Madurai - 625 020.
4. The Block Development Officer,
Usilampatti Panchayat Union,
Peraiyur Road,
Usilampatti,
Madurai District - 625 532.
5. The Tahsildar,
Usilampatti Taluk,
Usilampatti - 625 532.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 86569
+ 1 CC TO Mr.A.B.NATARAJAN, ADVOCATE IN SR No. 86646

MJ

TE/JC/SAR-2 : 29/11/2017 : 3P/8C

W.P(MD) No.14137 of 2015 and
MP(MD)No.1 of 2015
09.11.2017