



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.P(MD)No.2826 of 2017

- 1.S.Arumugam
- 2.M.Rukmani
- 3.Ananthi

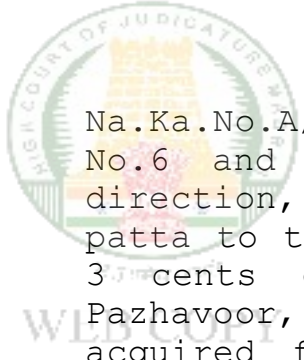
.. Petitioners

Vs.

- 1.State of Tamil Nadu
rep. By its Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,
Chennai - 9.
- 2.The Commissioner,
National Commission for Schedule Caste,
2nd Floor, Block - 5,
Shastri Bhavan,
Chennai - 6.
- 3.The District Collector,
Office of District Collectorate,
Tirunelveli District.
- 4.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.
- 5.The Adidraavidar Welfare Officer,
Office of District Collectorate,
Tirunelveli.
- 6.The Special Tahsildar,
Adidraavidar Welfare Department,
Nanguneri,
Tirunelveli District.

.. Respondents

<https://hcservices.courts.gov.in/> Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order in



Na.Ka.No.A/193/97 dated 19.01.2016 on the file of the respondent No.6 and quash the same as illegal and consequently for a direction, directing the respondents to grant land allotment and patta to the petitioner's in respect of the lands to an extent of 3 cents each situated in Survey No.1020/1, 1021/1, 1022/1, Pazhavoor, Radhapuram Taluk, Tirunelveli District which were acquired for the purpose of granting house site patta to Adi Dravidar people within time period stipulated by this Court.

For Petitioner : Mr.T.Lajapathy Roy

For respondents : Mr.A.Muthukaruppan A.G.P.,
for R1 and R3 to R6

Mr.K.R.Laxman for R2

ORDER

The petitioners are aggrieved against the common order passed by the 6th respondent through his proceedings dated 19.01.2016, wherein and whereby the request of the petitioners for allotment of land and grant of patta in respect of subject matter land, was rejected on the reason that their income exceeds Rs.60,000/-.

2.Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the official respondents.

3.It is seen that the petitioners have sought for allotment of land and grant of patta by claiming themselves as landless poor persons. When their request was not considered, they approached this Court and filed a writ petition in W.P(MD)No.19716 of 2015 along with others seeking for a Mandamus directing the respondents to allot or grant patta in respect of the subject matter land. It is seen that the said writ petition was disposed of on 30.10.2015 by directing the Special Tahsildar, Adi Dravidar Welfare Department, Nanguneri, to consider the representation of the petitioners and pass appropriate orders after affording an opportunity of hearing to all the necessary parties. Thereafter, the present impugned order came to be passed rejecting the request of the petitioners.

4.The learned counsel appearing for the petitioners submitted that the impugned order came to be passed in violation of the direction issued by this Court earlier in the above-said writ petition, as the petitioners were not at all given an opportunity of hearing before rejecting their request. He further pointed out that the Income Certificate issued to the petitioners by the competent authority would certainly show that their income is below Rs.60,000/- and therefore, the reasons stated in the impugned order is factually not correct. By contending so, the



learned counsel sought for setting aside the impugned order and remitting the matter back to the 6th respondent for considering the matter afresh.

5. The learned Additional Government Pleader appearing for the respondents 1, 3 to 6 submitted that the requests of the petitioners were rejected based on the reasons set out in the impugned order and therefore, this Court need not interfere with the same.

6. Upon perusal of the order passed by this Court earlier in W.P(MD)No.19716 of 2015 dated 30.10.2015 and the impugned order passed by the 6th respondent in this writ petition, it is evident that the 6th respondent has not accorded an opportunity of hearing to the petitioner before passing the impugned order, especially when this Court has already directed the authority to hear the petitioners before passing any order. As rightly pointed out by the counsel for the petitioner, the 6th respondent has passed the impugned order not strictly by following the order passed by this Court earlier. Therefore, this Court is satisfied that the impugned order should be set aside so as to enable the 6th respondent to pass fresh orders on merits and in accordance with law, after hearing all the parties.

7. Accordingly, this writ petition is allowed and the impugned order is set aside and the matter is remitted back to the 6th respondent for passing fresh orders on merits and in accordance with law and after hearing the petitioners. Needless to say that it is open to the petitioners to place all the material documents in their support seeking for grant of free house sites patta. Such exercise shall be done by the 6th respondent, within a period of twelve weeks from the date of receipt of a copy of this order. No costs.

sd/-

Assistant Registrar(co)

/True copy/

Sub Assistant Registrar

To

1. The Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St. George,



2.The Commissioner,
National Commission for Schedule Caste,
2nd Floor, Block - 5,
Shastri Bhavan,
Chennai - 6.

3.The District Collector,
Office of District Collectorate,
Tirunelveli District.

4.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.

5.The Adidraavidar Welfare Officer,
Office of District Collectorate,
Tirunelveli.

6.The Special Tahsildar,
Adidraavidar Welfare Department,
Nanguneri,
Tirunelveli District.

+1cc to Mr.K.R.Laxman, Advocate Sr.No.9604
+1cc to special Government Pleader SR.No.9663

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