

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 07-08-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.6285 of 2017
And
W.M.P.No.6773 of 2017

G.Kandaiyan .. Petitioner

Versus

- 1.The State of Tamil Nadu Represented by
its Secretary to Government,
Adi Dravidar Welfare Department,
Fort St. George,
Secretariat,
Chennai-600 009.
- 2.The District Collector,
Salem District,
At Salem.
- 3.The Adi Dravidar Welfare Officer,
O/o.The District Collector,
Salem-16.
- 4.The Special Tahsildar,
Adi Dravidar Welfare Officer,
(Near Chennai Cakes) Breads Road,
Mulluvaid Gate,
Salem-7.

5.Thiru Saminatha Gounder .. Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relevant to the order in Na.Ka.No.293/2007/A dated 18.7.2016 passed by the fourth respondent and quash the same as illegal, improper, unreasonable, arbitrary and against the principles of natural justice and thereby direct the respondents 1 to 4 to allot the land bearing Survey No.145/1, Masinaickenpatti Village, Vazhappadi Taluk, Salem District, totally to an extent of Acres 2.33-1/2 cents or 0.94.5 Hectares pursuant to the notification

in R.C.O.293/07/(A) dated 26.6.2008 passed by the fourth respondent under Section 4(2) of the Land Acquisition T.N.Act 31/78.

For Petitioner : Mr.A.Rajesh Kanna
For Respondents-1to4 : Mr.M.Elumalai,
Government Advocate.
For Respondent-5 : Mr.K.R.Thamizhmani

O R D E R

The relief sought for in this writ petition is to call for the records in relation to the order of rejection passed by the fourth respondent in proceedings dated 18.7.2016.

2. The grievances of the writ petitioner is that the Government initially formulated the Scheme for allotment of free house sites to the poor Adi Dravidar people of that locality and proposed to acquire certain lands. However, the land acquisition, during the relevant point of time, had been dropped by the authorities and thereafter, no Scheme was formulated nor any land was acquired for the purpose of implementing the Scheme.

3. However, the writ petitioner pursued the matter and going on submitting the representations to the authorities to allot a free house site, since he is eligible and a landless poor person. The authorities considered his case and sent a reply on 18.7.2016 by stating that, whenever the acquisition is made and a Scheme is formulated, then the case of the writ petitioner will be considered in accordance with the terms and conditions of the Scheme.

4. The learned counsel, appearing on behalf of the fifth respondent, also made a submission that initially there was a proposal to acquire his own land. However, the proposal was dropped as early as in the year 2008 and thereafter, there was no such acquisition proceedings took place in that locality. Thus, the fifth respondent is an unnecessary party to the writ petition and he is no way connected with the claim of the writ petitioner for allotment of a free house site.

5. The learned Government Advocate, appearing on behalf of the respondents 1 to 4, also informed this Court that, as of now, there is no acquisition proceedings are pending nor the Scheme has been formulated. Thus, whenever the Government takes a policy decision in this regard, and acquire the land, then the case of the writ petitioner will be considered along with all

other eligible candidates, who all are aspiring to acquire free house sites under Adi Dravidar Welfare Scheme.

6. This being the submissions made on behalf of the respective parties to the lis on hand, this Court is of an opinion that the writ petitioner, at the outset, cannot claim the benefit of the Scheme of free house sites by way of filing a writ petition. It is the prerogative of the Government to take a policy decision in this regard and by way of an administrative decision, such Schemes may be implemented by the State in favour of the landless poor people.

7. Thus, the writ petitioner has not established even a semblance of legal right, so as to grant the relief, as such, sought for in this writ petition. However, it is made clear that whenever the Scheme is implemented by the State, then the case of the writ petitioner also shall be considered along with all other eligible candidates in accordance with the terms and conditions and the rules formulated. Further, it is made clear that there cannot be any discrimination in respect of allotment of free house sites amongst the landless poor people and the authorities competent are expected to implement the Scheme by following the principle of equality and by providing opportunities to all such landless poor people.

8. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/--
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

सत्यमेव जयते

Svn

To

1.The Secretary to Government,
State of Tamil Nadu,
Adi Dravidar Welfare Department,
Fort St. George,
Secretariat,
Chennai-600 009.

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2.The District Collector,
Salem District,
At Salem.

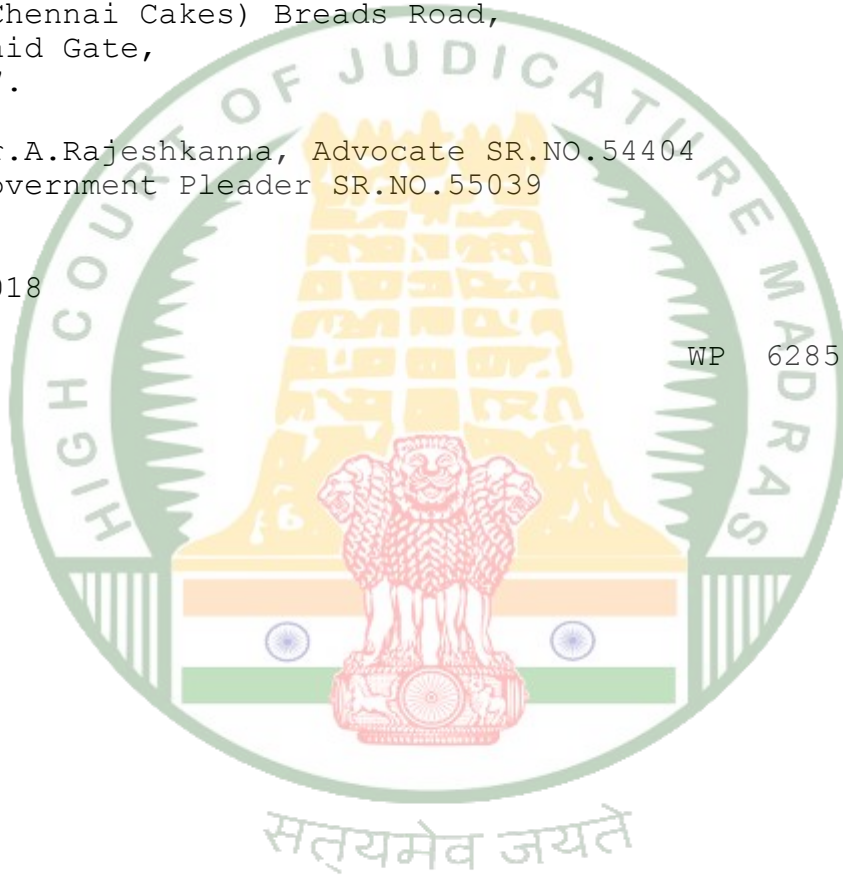
3.The Adi Dravidar Welfare Officer,
O/o.The District Collector,
Salem-16.

4.The Special Tahsildar,
Adi Dravidar Welfare Officer,
(Near Chennai Cakes) Breads Road,
Mulluvaid Gate,
Salem-7.

+1cc to Mr.A.Rajeshkanna, Advocate SR.NO.54404
+1cc to Government Pleader SR.NO.55039

CH(CO)
sm:28.8.2018

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