

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 27.11.2018

CORAM
THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.9422 of 2009
and
M.P.No.1 of 2009

- 1.Rangan
- 2.Rita
- 3.Santhi
- 4.Punitha
- 5.Sivalingam
- 6.B.Vasantha
- 7.J.Pattammal
- 8.A.J.Gajendran
- 9.V.Devi
- 10.R.Puvaneswari
- 11.V.Kumudha
- 12.Indhira
- 13.M.J.Mumtaj
- 14.P.Umasangari
- 15.Sharpoon
- 16.S.Gopal
- 17.Santhi
- 18.R.Gowri
- 19.N.Balasundaram
- 20.Prabu
- 21.Bharathi
- 22.Thenmozhi

....Petitioners

- 1.The State of Tamil Nadu,
Rep.by its Chief Secretary to Government,
Backward Class Welfare Department,
Secretariat, Fort St.George,
Chennai - 600 009.

- 2.The Special Commissioner,
and Land Administrative Commissioner,
Chepauk, Chennai - 5.

- 3.The District Collector,
Vellore District,
Vellore.

- 4.The District Backward Class Welfare Officer,
District Collector Office,
Vellore - 1.

Vs

5.The Special Tahsildar,
Land Acquisition,
Adhi Dravidar Welfare,
Walajapet Taluk, Vellore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order made in Na.Ka.A/230/08, dated 25.10.2008 issued by the 5th respondent and quash the same and consequently directing the respondents to provide house sites to the petitioners by acquiring patta lands as per the G.O.(Ms) No.115, dated 15.6.1990 issued by the Backward Classes and Most Backward Classes Welfare Department.

For Petitioners : Mr.A.Nagarathinam

For Respondents : Mr.J.Ramesh
Additional Government Pleader

ORDER

The prayer sought for in this writ petition is to quash the order in Na.Ka.A/230/08, dated 25.10.2008, issued by the fifth respondent and consequently direct the respondents to provide house sites to the petitioners by acquiring patta lands as per the G.O.(Ms) No.115, dated 15.6.1990 issued by the Backward Classes and Most Backward Classes Welfare Department.

2. The case of the petitioners is that they belong to backward communities. The Government of Tamil Nadu provided house sites to the poor persons belonging to Backward and Most Backward communities as per G.O.Ms.No.115, dated 15.06.1990. Pursuant to the said G.O., one V.Murthy submitted several representations to the respondents, to allot house sites from the available acquired lands to the persons belonging to backward and most backward communities, but, the same were not considered by the respondents. Hence, he filed a petition in W.P.No.34183 of 2007. This Court, by order dated 31.10.2007, dismissed the said writ petition, with the following observation:

"..If any of the persons whose names are furnished in the annexure to the representation are eligible for allotment of house sites as per G.O.Ms.No.115, dated 15.6.1990, he/she is free to approach the third respondent for appropriate relief and any request made by such person shall be dealt with by the third respondent in accordance with law.

Writ petition is dismissed."

In view of the above, 510 applicants including the petitioners have submitted several representations to the third respondent and the said representations are pending without any progress. In the meanwhile, the fifth respondent passed an order dated

25.10.2008, alleging that 170 persons are disqualified for providing house sites. Aggrieved over the same, the petitioners are before this Court.

3. Though the petitioners have raised many grounds challenging the order impugned herein, the learned counsel for the petitioners, during the course of arguments, submitted that it would suffice, if a direction is issued to the respondents to consider the representations of the petitioners afresh, which has been fairly agreed by the learned Additional Government Pleader. However, he submitted that the petitioners may be directed to submit a fresh representation and on such submission, the respondents would consider the same on merits and in accordance with law.

4. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the petitioners to submit a fresh representation to the respondents concerned within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioners as well any other interested parties within a period of four weeks therefrom. While considering the same, the respondents shall also take into account the subsequent to the G.O/ Scheme passed, if any.

5. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

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

2.The Special Commissioner,
and Land Administrative Commissioner,
Chepauk, Chennai - 5.

3.The District Collector,
Vellore District,Vellore.

4.The District Backward Class Welfare Officer,
District Collectorate Office,Vellore - 1.

5.The Special Tahsildar,
Land Acquisition,
Adhi Dravidar Welfare,
Walajapet Taluk, Vellore District.

+lcc to Mr.A.Nagarathinam, Advocate, S.R.No.80879

+lcc to the Government Pleader, S.R.No.81357

W.P.No.9422 of 2009
and
M.P.No.1 of 2009

VG II(CO)

rrs 09/01/2019



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