

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.10.2018

CORAM

THE HONOURABLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.19236 of 2016

and

W.M.P.No.16719 of 2016

- 1.Sundaram
- 2.G.Bakthavachalam
- 3.M.Loganathan
- 4.C.Jayapal
- 5.N.Sekar
- 6.Selvi
- 7.Arjunan
- 8.P.Venkatesan
- 9.Mayavan
- 10.G.Mani
- 11.Jayaraman

...Petitioners

Vs.

1. The Special Commissioner,
Adi-Dravida Welfare Department,
Ezhilam, Cheppaukam, Chennai-600 005.
2. The District Adi-Dravida Welfare Officer,
Villupuram District, Villuoram.
3. The Special Thasildar, (Adi-Dravida Welfare)
Kallakurichi Taluk, Villupuram Distrcit.
4. Suban,
(R-4 is Impleaded as per Order of the Court
Dated 09.11.2016 in WMP.No.22693/2016
in WP.19236/2016)

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioners representation dated 01.03.2016 seeking to assign 3 cents house site patta to each petitioner in vacant house sites acquired under Act 31/1978 comprised in S.F.No.1/3, 3/1B3B1, 3/3 of Brammakundam Village, Sankarapuram Taluk, Villupuram District.

For Petitioner : Mr.R.Kumaravel
For Respondents : Mrs.A.Shrijayanthy
Special Government pleader
for R1 to R3
Mr.R.N.Amarnath for R4

O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus to direct the respondents to consider the petitioners' representation dated 01.03.2016, seeking to assign 3 cents house site patta to each petitioners in vacant house sites acquired under Act 31/1978 comprised in S.F.No.1/3, 3/1B3B1, 3/3 of Brammakundam Village, Sankarapuram Taluk, Villupuram District.

2. The writ petitioners cannot seek a direction for assignment of a free house site, in view of the fact that certain portion of the land acquired under the land acquisition proceedings.

3. The learned Special Government Pleader appearing for the respondents 1-3, brought to the notice of this Court that the original owners of the subject land have filed a writ petition and the acquisition proceedings were quashed by this Court and accordingly, the possession of the said land were handed over to the original owners.

4. The assignment of land by the Government can never be claimed as legal right. When ever the scheme has been formulated by the State Government for grant of free patta to the landless poor people, then the case of the eligible person can be considered in accordance to the terms and conditions of the scheme.

5. It is further stated by the official respondents that the writ petitioners are possessing lands in that locality and they are not eligible for assignment of any free land from the Government.

6. In view of the said submission made by the learned Special Government Pleader, the claim made by the petitioners cannot be granted and therefore, the relief sought for in this writ petition stands rejected.

7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

rts/tta

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Special Commissioner,
Adi-Dravida Welfare Department,
Ezhilam, Cheppaukam,
Chennai-600 005.
2. The District Adi-Dravida Welfare Officer,
Villupuram District,
Villuoram.
3. The Special Thasildar,
(Adi-Dravida Welfare)
Kallakurichi Taluk,
Villupuram Distrcit.

+1cc to the Government Pleader, S.R.No.71554

KR/13/11/18

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