



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.59 of 2013

Ayothi

Vs

....

Petitioner

1. The District Collector
Vengikal, Tiruvannamalai.
2. The District Revenue Officer
Collectorate Compound
Vengikal, Tiruvannamalai .
3. District Adi Dravidar and
Tribal Welfare Officer
Vengikal, Tiruvannamalai.
4. The Special Tahsildar and Adi Dravidar
Welfare Office,
Vengikal, Tiruvannamalai.
5. Indira Gandhi
6. Sanbakam
7. Parameswari
8. Elumalai
9. Indirani
10. Mahadevi
11. Sennammal
12. Rajakumari
13. Siyammal
14. Kuttammal
15. Vijaya
16. Devi
17. Sivasakthi
18. Kannaki
19. Kannammal
20. Mariyappan
21. Venkatesan
22. Saroja
23. Jayalakshmi
24. Kamala
25. Dhanam
26. Muniyammal



27. Indira
28. Annakili
29. Thamizharasi
30. Seethai
31. Vijaya
32. Dhanam
33. Pattu
34. Jayalakshmi
35. Kuppan
36. Angammal
37. Devaki
38. Anjalai
39. Sivakami
40. Thangili
41. Manickam
42. Meena
43. Mangai
44. Sumathi
45. Jaya
46. Yelagiriyan
47. Kuppu
48. Kullammal W/o Ammaiyappan
49. Saroja
50. Kullammal W/o Arumugam
51. Bhavani
52. ammavasai
53. Vasantha
54. Annakkili
55. Raja Mani
56. Ammini
57. Lakshmi
58. Ramalingam
59. Muniyammal
60. Siva
61. Mallika
62. Janaki
63. Nagammal
64. Poongavanam
65. Parameshwari
66. Sarasu
67. Indira
68. Muniyammal
69. Mariyammal
70. Mallika W/o Raman
71. Chennammal
72. Veni
73. Shanthi
74. Unnamalai
75. Muniyammal
76. Sivakami



77.Koothal
78.Sahayam
79.Apporvam
80.Jayanthi
81.Vedikundu
82.Muniyammal W/o Settu
83.Velu
85.Kasiyammal
86.Ravi
87.Malar
88.Chinnathai
89.Jayalakshmi
90.Kumari
91.Lakshmi
92.Radha
93.Anchala
94.Anjala W/o Potti
95.Baby
96.Murugan
97.Kamala
98.Kumari
99.Malaimani

(Respondents 5 to 99 impleaded as per order dated
02.06.2014 in M.P.No.1/14 in W.P.No.59/2013 and
dismissed as against RR5 to 99 vide court order dated
15.12.2014)

..... Respondents

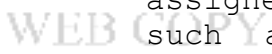
Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Mandamus
directing the respondents to cancel the assignment dated
8.12.1999 in favour of the 95 persons in respect of the lands
situated in S.F.No.65/1A, 65/1B, 65/1C, 65/1C2 and 65/2, in
Asuwanagasuranai village in Chengam Taluk at Tiruvannamalai
District and reassign the lands to poor landless adi dravidars
after an enquiry.

For Petitioner : Mr.M.Sam Jayaraj Houston
for M/s.Sarvabhauman Associates

For Respondents: Mr.R.S.Selvam
Government Advocate - for R1 to R4

O R D E R

The relief sought for in this writ petition is for a
direction to the respondents to cancel the assignment dated
8.12.1999 in favour of the 95 persons in respect of the lands
situated in S.F.No.65/1A, 65/1B, 65/1C, 65/1C2 and 65/2,
Asuwanagasuranai village in Chengam Taluk at Tiruvannamalai



2. The grievance of the petitioner is that the land was assigned in favour of 95 persons, who are all not eligible for such assignment as per the terms and conditions of the government scheme. Learned counsel for the petitioner states that the authorities have erroneously assigned the land to ineligible persons on collusion and extraneous consideration. The proceedings of the fourth respondent dated 01.10.2002 also states that the persons who are already in possession of lands and houses are granted assignment of these lands contrary to the terms and conditions of the government scheme for assignment to the landless poor people. However, in the proceedings dated 25.06.2004, the third respondent, District Adi Dravidar and Tribal Welfare Officer cancelled the assignment in respect of ten persons and in respect of other 85 persons, he has not taken any action and the inaction of the third respondent is contrary to the original findings made in the proceedings dated 01.10.2002.

4. Learned Government Advocate appearing on behalf of the respondents, relying on the counter statement, stated that the prayer in the writ petition is already under active consideration of the respondents. Therefore, the writ petition deserves to be rejected.

5. This Court is of an opinion that if the relief sought for in the writ petition is already under active consideration, the respondents ought to have taken a decision in this regard based on the report submitted by the third respondent on 01.10.2002. However, it seems no action has been taken to cancel the assignment in favour of the ineligible persons. Hence, first respondent / district Collector is directed to conduct an enquiry in the matter of assignment of land to ineligible persons and review all such assignments and take appropriate action in respect of the officials who granted such illegal assignments. Accordingly, respondents 1 to 3 are directed to conduct enquiry in respect of the assignment of government land in favour of the ninety five persons and pass appropriate orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. The writ petitioner is directed to send the copies of the documents and the representation along with a copy of the order passed by



this Court.

3. With these directions, the writ petition is disposed of.
However, there shall be no order as to costs.

WEB COPY

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

kst

1. The District Collector
Vengikal, Tiruvannamalai.
2. The District Revenue Officer
Collectorate Compound
Vengikal, Tiruvannamalai .
3. District Adi Dravidar and Tribal Welfare Officer
Vengikal, Tiruvannamalai.
4. The Special Tahsildar and Adi Dravidar
Welfare Office, Vengikal, Tiruvannamalai.

+lcc to Mr.Sarvabhauman Associates, Advocate, S.R.No. 59469
+lcc to the Government Pleader, S.R.No. 59826

W.P.No.59 of 2013

CP(CO)
GN(17/09/2018)