



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P (MD) No.951 of 2018

P.Panchavarnam

.. Petitioner

Vs.

1.The District Collector,
Theni District, Theni.

2.The District Adi Dravidar Tribal and Welfare Officer,
Theni.

3.The Special Tahsildar,
Adidravidar Welfare Department,
Theni.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the second respondent herein to take necessary action on the basis of the proceedings issued by the third respondent, dated 14.07.2011 and also by considering the petitioner's representation, dated 08.06.2015, within the time stipulated by this Court.

For Petitioner

: Mr.B.Arun

For Respondents

: Mr.M.Murugan,
Government Advocate.

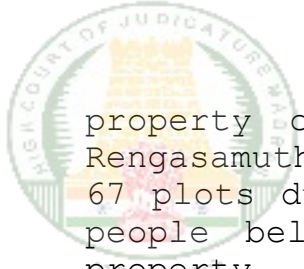
ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, this writ petition is taken up for final disposal.

2.Mr.M.Murugan, learned Government Advocate, accepts notice on behalf of the respondents.

3.The petitioner claims to be a permanent resident of Nehruji Colony, Kovilpatti Village, Rangasamuthiram Post, Andipatti Taluk, Theni District and she would state that she belongs to Adi Dravidar Community and came forward to file this writ petition as a "Public Interest Litigation" stating among other things that the landed



property comprised in Survey Nos.587/1A and 600/2A situated at Rengasamuthiram Panchayat, Kovilpatti Village, has been divided into 67 plots during the year 1981, for allotment of house-sites to the people belonging to Adi Dravidar Community, so also the landed property comprised in Survey No.2265 of Tibarasanayakanoor Panchayat. The grievance expressed by the petitioner is that while allotting the plots to the people belonging to Adi Dravidar Community, the very same family members had been given such a benefit and in paragraph No.6 of the affidavit filed in support of the writ petition, she had also stated the names of such beneficiaries and however, has not impleaded them as parties to the writ petition. The petitioner has also brought the fact of said irregularity in allotment, to the knowledge of the concerned official and the third respondent, vide communication, dated 14.07.2011, made in Na.Ka.No.617/2011/A, has informed the second respondent, as to the details of such irregular allotment and also made a positive recommendation to cancel the patta granted to them. The second respondent, acting on the said communication, has also informed the petitioner, vide letter, dated 03.05.2012, in Na.Ka.No.16357/11/Aathi.1, as to the action being taken.

4.The learned counsel appearing for the petitioner would submit that though, the said communication was sent as early as in the year 2012, no action has been taken to cancel the patta granted in favour of the very same villagers and in this regard, she has also submitted a detailed representation, to the first respondent and in response to the same, the second respondent also sent a memo, dated 20.11.2017, to the third respondent to take appropriate action without any further loss of time and however, no worthwhile action is forthcoming and therefore, the petitioner is constrained to approach this Court by filing this writ petition.

5.This Court has heard the submission of the learned Government Advocate appearing for the respondents, who, on instructions, would submit that appropriate action, at the earliest, would be taken, to alleviate the grievance expressed by the petitioner.

6.This Court has considered the rival submissions and perused the materials placed before it.

7.Though, the petitioner prays for a larger relief, this Court, in the light of the aforesaid facts and circumstances of the case and without going into the merits of the claim projected by the petitioner either in her representation or in this writ petition, directs the third respondent to act on the communication of the second respondent, dated 20.11.2017, made in Na.Ka.No.23084/2016/Aathi.1, and after putting the concerned allottees on notice, shall take appropriate action and send a report to the second respondent, within a period of eight weeks from the date of receipt of a copy of this order and the second respondent, upon receipt of the same, is directed to take appropriate action, in



accordance with law, after putting the concerned persons on notice, within a period of six weeks, thereafter and communicate the decision taken, to the petitioner as well as to the persons concerned.

8. The writ petition stands disposed of accordingly. No costs.

Sd/-
Assistant Registrar (Crl. Side)

/True Copy/

Sub-Assistant Registrar

To

1. The District Collector,
Theni District, Theni.

2. The District Adi Dravidar Tribal and Welfare Officer,
Theni.

3. The Special Tahsildar,
Adidravidar Welfare Department,
Theni.

+One cc to Mr. B. A. Run, Advocate, SR.No.42724

+One cc to The Special Government Pleader, SR.No.42882

smn
RL/6C/3P/JC/SAR1/31/1/2018

ORDER MADE IN
W.P (MD) No.951 of 2018

18.01.2018