



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 11.06.2019

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.P.Nos.11383 & 11384 of 2012

and

M.P.No.1 of 2012

A.Leema Rose .. Petitioner in
W.P.No.11383 of 2012
J.Alis Mary .. Petitioner in
W.P.No.11384 of 2012

Vs

1. The State rep. by
The Chief Secretary,
Government of Tamil Nadu,
Saint George Fort,
Chennai - 600 009.

2. The District Collector,
Nagapattinam District,
Nagapattinam.

.. Respondents in both W.Ps

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the respondents to allot a House to the petitioners, as per the beneficiaries list released by the respondents.

For Petitioners in both W.Ps : Mr.K.Srinivasan

For Respondents in both W.Ps : Mr.A.N.Thambidurai,
Special Government Pleader

C O M M O N O R D E R

These Writ Petitions have been filed for issuance of Writ of Mandamus directing the respondents to allot a House to the petitioners, as per the beneficiaries list released by the respondents.

2. Heard, Mr.K.Srinivasan, learned counsel appearing for the petitioners and Mr.A.N.Thambidurai, learned Special Government Pleader appearing on behalf of the respondents.



3. It is stated that the petitioners belong to Fishermen Community and residing on the Seashore. In the year 2004, they lost everything due to Tsunami. It is further stated that the Tamil Nadu Government announced Welfare Scheme through its agency Tsunami Rehabilitation Cell to allot Houses to the affected people. Accordingly, the respondent built Houses for 165 people and among 165 people, the petitioners are one of the beneficiaries. However, subsequently houses were not allotted to the petitioners. Hence, the present Writ Petitions.

4. The respondent filed a counter affidavit stating that it is true that in the tentative list released by the respondent on 12.08.2009, the petitioners were found to be as beneficiaries. However, due to the objection and representation from the public and also from the District Deputy Secretary of Viduthalai Siruthai Party, a team of officials was formed and an order was issued by the second respondent for conducting spot inspection and enquiry, so as to find out the eligibility of the beneficiaries. It is further stated that the team of officials have conducted spot enquiry and inspection and sent their report on 11.06.2010, in which, it is stated that the petitioners are having pucca RCC building and they are also using it for non-residential purpose. Hence, prays to dismiss the present petitions.

5. The learned counsel for the petitioners would submit that the name of the beneficiaries have been removed only on the objection raised by the District Deputy Secretary of Viduthalai Siruthai party. In fact, the petitioners are landless poor people and they are living in street.

6. Per contra, learned Special Government Pleader appearing for the respondents would contend that a team of officials have conducted spot enquiry and inspection and found that the petitioners are having pucca building and hence they recommended for deleting the petitioners' names from the beneficiaries list.

7. In case on hand, though the petitioners have filed the Writ Petitions on the basis that they are eligible to get allotment in the Tsunami Rehabilitation Scheme, but their names were deleted only on the objection raised by the District Deputy Secretary of Viduthalai Siruthai party, a perusal of the counter affidavit would reveal that the team of officials have conducted spot enquiry and inspection and issued a report that they are not at all eligible for the free allotment of the Tsunami House. It is not disputed that whoever owns houses are not eligible to get allotment of a house under Tsunami Rehabilitation Scheme and the report shows that the petitioners own pucca RCC building houses.



8. In the light of the above facts, these Writ Petitions fail and they are accordingly dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

dh

To

1. The Chief Secretary,
Government of Tamil Nadu,
Saint George Fort,
Chennai - 600 009.

2. The District Collector,
Nagapattinam District,
Nagapattinam.

+2cc to Mr.P.Gajendra Babu, Advocate, S.R.No. 48539, 48540
+1cc to the Government Pleader, S.R.No. 47478

W.P.No.11383 & 11384 of 2012

PPA(CO)
GN(22/08/2019)