

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.09.2019

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THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

AND

THE HONOURABLE MR. JUSTICE N.SESHASAYEE

WP.No.14839 of 2019 and
W.M.P.Nos.14822 & 14826 of 2019

A.P.GowdhamaSidharthan .. Petitioner
Versus

- 1.The State of Tamil Nadu
rep.by the Chief Secretary
Tamil Nadu Government
Fort St.George
Chennai 600 009.
- 2.The Principal Secretary,
Adi-Dravidar and Tribal Welfare Department,
Tamil Nadu Government
Fort St.George,
Chennai-600 009.
- 3.The Principal Secretary to Government
Revenue Department,
Tamil Nadu Government
Fort St.George,
Chennai-600 009.
- 4.The District Collector,
Villupuram-605 602.
Villupuram District.
- 5.The Tahsildar,
Taluk Office,
Villupuram-605 602
Villupuram District.
- 6.The Adi-Dravidar and Tribal Welfare Officer,
District collectorate,
Villupuram-605 602.

7.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare,
Villupuram-605 602.

8.The Chairman & Managing Director,
Tamil Nadu Police Housing Corporation Ltd.,
No.132, E.V.R.Salai,
Kilpauk, Chennai-600 010.

9.The Executive Engineer,
T.N.P.H.C. Ltd.,Villupuram Division,
Master Plan Complex,
Villupuram-605 602.

..... Respondents

PRAYER:- Writ petition filed under Article 226 of the Constitution of India prays to issue a Writ of Mandamus directing the respondents 2 to 4 herein to allot 3 cents of house site each to the 65 affected dalit families listed above out of the land measuring about 3.08 acres comprised in Survey no.334/6/B situate in Kandambakkam Village, Villupuram Taluk, Villupuram District and issue house sitepatta for the same.

For Petitioner : Mr.A.P.Gowdhamasidharthan
(Party-in-Person)

For Respondents : Mr.A.N.Thambidurai,
Special Government Pleader

ORDER

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

This writ petition, styled as a Public Interest Litigation, is filed by the petitioner and he would claim that he is the Managing Director, Dr.Ambedkar Educational Foundation (Regd.No.1221/2012-2013), having registered office at No.26, Shiva Camp, Vasant Vihar, New Delhi-110 057 and he is also involved in social activities and the founder convener of a social organization called Social Justice Federation of India, having it's office at Chennai and the said organisation is to secure social justice, equality, economic independence and such other justice to the downtrodden and weaker sections of the society and the general public as enshrined under the Constitution of India, architected by Dr.B.R.Ambedkar.

2. The petitioner would state that 65 families belong to Scheduled Caste Community, who are also economically weaker, was in possession of respective piece of land in S.No.334/6/B with a total extent of 3.08 acres at Kandambakkam Village, Villupuram

Taluk, Villupuram District and on their behalf repeated representations have been submitted for grant of house site patta. The petitioner / Party-in-Person has also invited the attention of this Court to the memo dated 27.03.2019 in Na.Ka.No.7/4701/2019 on the file of the office of the 4th respondent and would submit that with regard to the request made on behalf of 65 Scheduled Community Families, who are in occupation of the said land for grant of house site patta, the 5th respondent was directed to conduct a detailed enquiry and submit his report and despite a lapse of nearly six months, nothing is moving forward and by keeping the representation pending, now attempts are being made out by the Tamil Nadu Police Housing Corporation and further pointed out that some political big wig are also in occupation of some portion of the land and prays for appropriate positive orders for grant of house site pattas for 65 families belong to Scheduled Caste Community.

3. Mr.A.N.Thambidurai, learned Special Government Pleader accepts notice on behalf of the respondents 2 to 7 and would submit that in the light of the memo dated 27.03.2019 issued by the 4th respondent, the 5th respondent would conduct a detailed enquiry and submit a report to the 4th respondent, who upon receipt of the same, may likely to take a call and pass appropriate orders.

4. In response to the said submission, the petitioner / party-in-person would submit that since the land in question has been classified as Government Dry Waste Poromboke land coupled with the fact that 65 families belong to Scheduled Caste community are in possession of small extent of land for quite considerable time, this Court may pass positive order for granting house site pattas to them.

5. This Court paid it's anxious consideration and best attention to the rival submission made by the petitioner / party-in-person as well as the learned Special Government Pleader appearing for the respondents 1 to 7.

6. A perusal of the typed set of documents and additional affidavit filed in support of the writ petition did not disclose as to the revenue classification of the land and however it is the submission of the petitioner / party-in-person that the said land is classified as Government Dry Waste poromboke. The details of the 65 families belong to Scheduled Caste Community are given in paragraph no.3 of the affidavit filed in support of the writ petition along with aadhar card details.

7. This Court taking into consideration the arguments advanced by the petitioner / party-in-person as well as by the learned Special Government Pleader and without going into the merits of the claim projected by the petitioner either in his representations or in this writ petition directs the 5th respondent to respond to the communication of the 4th respondent in memo dated 27.03.2019 in Na.Ka.No.7/4701/2019 and submit a report to the 4th respondent within a period of four weeks from the date of receipt of a copy of this order and upon receipt of the same, the 4th respondent is directed to pass appropriate orders in accordance with law within a further period of eight weeks thereafter and communicate the decision taken to the petitioner.

8. The writ petition stands disposed of accordingly. No costs. Consequently connected miscellaneous petitions are ordered.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

Sk

To

- 1.The Chief Secretary
State of Tamil Nadu,
Tamil Nadu Government
Fort St.George
Chennai 600 009.
- 2.The Principal Secretary,
Adi-Dravidar and Tribal Welfare Department,
Tamil Nadu Government
Fort St.George,
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- 4.The District Collector,
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5.The Tahsildar,
Taluk Office,
Villupuram-605 602
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District collectorate,
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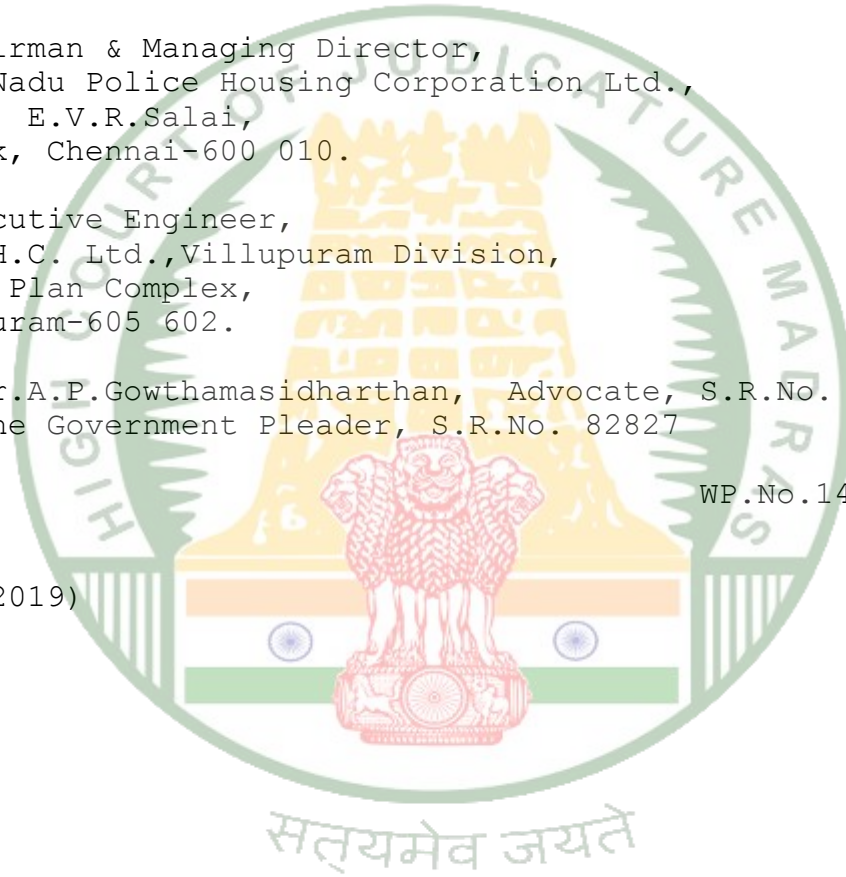
9.The Executive Engineer,
T.N.P.H.C. Ltd.,Villupuram Division,
Master Plan Complex,
Villupuram-605 602.

+2cc to Mr.A.P.Gowthamasidharthan, Advocate, S.R.No. 82861

+1cc to the Government Pleader, S.R.No. 82827

WP.No.14839 of 2019

MP (CO)
GN(06/11/2019)



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