

IN THE HIGH COURT OF JUDICATURE AT MADRAS

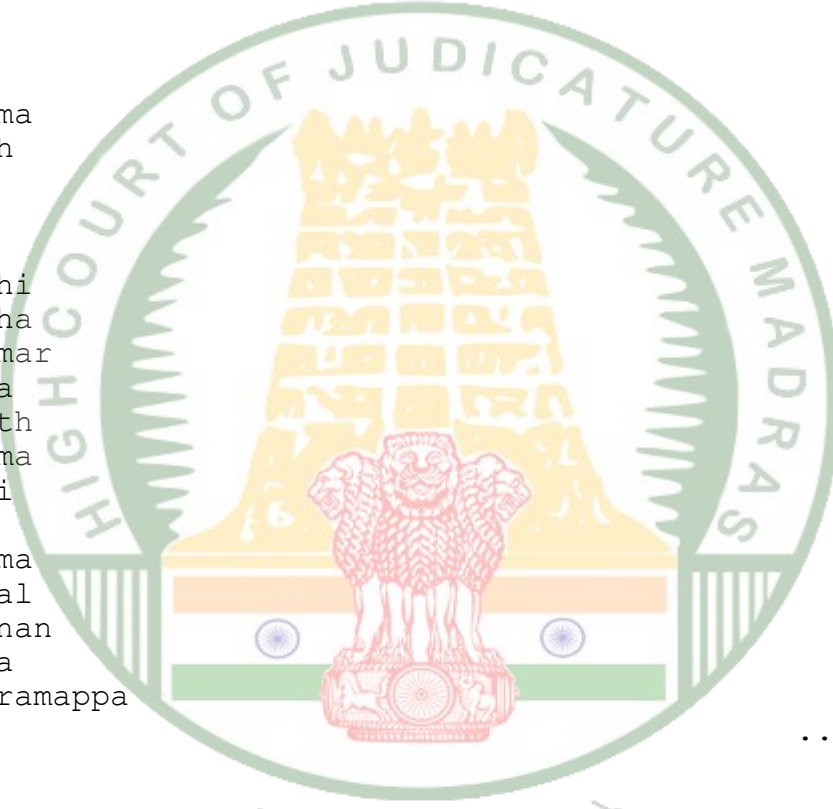
DATED 15.02.2019

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7806 of 2016
and
W.M.P.No.6970 of 2016

- 1.Seenappa
- 2.Ramesh
- 3.Sowdappa
- 4.Madhavamma
- 5.Venkatesh
- 6.Vajjiri
- 7.Manjula
- 8.Devamma
- 9.Neelavathi
- 10.Narasimha
- 11.Selvakumar
- 12.Nanjamma
- 13.Manjunath
- 14.Santhamma
- 15.Nagaveni
- 16.Geetha
- 17.Kanthamma
- 18.Mallammal
- 19.M.Krishnan
- 20.Sowdamma
- 21.Venkataramappa
- 22.M.Shyla



.. Petitioner

सत्यमेव जयते
Vs.

- 1.The District Collector,
Krishnagiri District,
Krishnagiri.
- 2.The Sub Collector,
Krishnagiri District,
Krishnagiri.
- 3.The District Backward Classes
and Minorities Welfare Officer,
Krishnagiri.

4.The Special Tahsildar (ADW),
Adi Dravidar Welfare,
Hosur, Krishnagiri District.

5.The Tahsildar,
Taluk Office,
Hosur.

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to forbear the respondents from interfering with petitioner's peaceful possession and enjoyment of the house sites at Survey No.544/1, Avalapalli Village, Hosur Taluk, Krishnagiri District except by due process of law.

For Petitioners : Mr.R.Bharath Kumar

For Respondents : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

The writ petition has been filed seeking to forbear the respondents from interfering with petitioners peaceful possession and enjoyment of the house sites at Survey No.544/1, Avalapalli Village, Hosur Taluk, Krishnagiri District except by due process of law.

2. The petitioners are Dobbies by a profession. As they are all landless poor, they made a request to the Government for issuance of free house site patta and about 86 families were identified as beneficiaries to get free house site patta. Out of 86 families, 64 families were issued house site pattas. Pursuant to the order passed in W.P.No.22058 of 2012, it is stated that the left over 22 families were also issued house site pattas and they have been in possession of the properties by putting up residential houses. It is now apprehended that the respondents are taking advantage of their poverty, threatening to vacate the subject matter of the house sites and hand over vacant possession to them, with a view to allot it to some third parties. It is alleged that the said action of the Tahsildar is at the instigation of some real estate promoters. Admittedly, the pattas issued in favour of the petitioners are intact. There is no threat of eviction as alleged by the petitioners.

3. Heard the learned counsel appearing on both sides.

4. The learned Additional Government Pleader also on instructions stated that neither the pattas are cancelled nor they were attempted to take possession and the writ petition has been filed only on their apprehension.

5. In such circumstances, there is no order necessary as the petition itself is filed only on apprehension. However, any action that may be taken by the respondents in this regard should be only after issuing notice and affording an opportunity of personal hearing to the petitioners. No action can be taken by the respondents without proper notice to the petitioners.

6 With the above directions, the Writ Petition is disposed of. No costs. Consequently. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Krishnagiri District, Krishnagiri.
- 2.The Sub Collector,
Krishnagiri District, Krishnagiri.
- 3.The District Backward Classes and Minorities Welfare Officer,
Krishnagiri.
- 4.The Special Tahsildar (ADW),
Adi Dravidar Welfare,
Hosur, Krishnagiri District.
- 5.The Tahsildar,
Taluk Office, Hosur.

+1 cc to Mr.R.Bharath Kumar, Advocate Sr.No.14513
+1 cc to The Government Pleader, Sr.No.14647

W.P.No.7806 of 2016
and W.M.P.No.6970 of 2016

RK(CO)
CSL/07.03.2019