

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.04.2019

CORAM

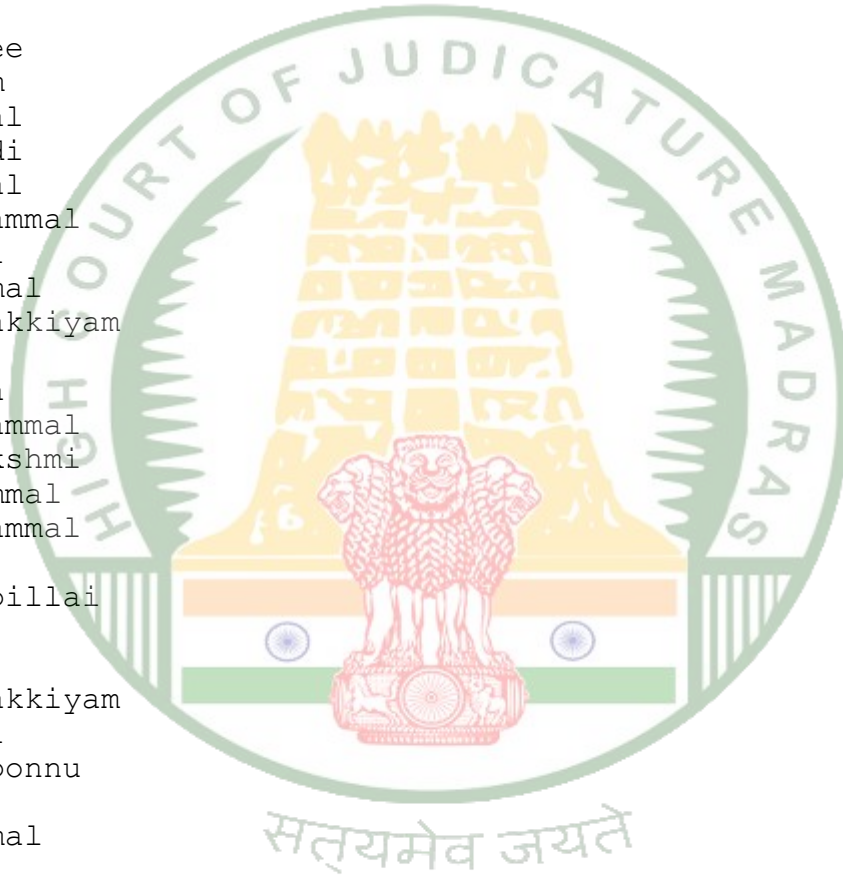
THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.18447 of 2014

&

MP No.1 of 2014

- 1.Poonga
- 2.Iruchayee
- 3.Amirtham
- 4.Nallammal
- 5.Malarkodi
- 6.Sellammal
- 7.Palaniyammal
- 8.Parvathi
- 9.Kanakammal
- 10.Dhanapakkiyam
- 11.Padma
- 12.Mallika
- 13.Pachiyammal
- 14.Jayalakshmi
- 15.Kaliyammal
- 16.Kanniyammal
- 17.Babu
- 18.Chinnapillai
- 19.Meena
- 20.Sheela
- 21.Dhanapakkiyam
- 22.Anjalai
- 23.Chinnaponnu
- 24.Jothi
- 25.Veerammal
- 26.Anjalai
- 27.Lakshmi
- 28.Manjula
- 29.Chinnapillai @ Alamelu
- 30.Maruthayee
- 31.Pattathal
- 32.Thenmozhi
- 33.Manimekalai
- 34.Maheswari
- 35.Gandhimathi
- 36.Vasantha
- 37.Anjalai



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...Petitioners

-Vs-

1.The District Collector
Villupuram District
Villupuram

2.The District Adi-Dravida Welfare Officer
Villupuram District, Villupuram.

3.The Revenue Divisional Officer
Kallakurichi Revenue Division
Kallakurichi, Villupuram District

4.The Special Thasildhar
Adi-Dravida Welfare
Kallakurichi Taluk
Villupuram District

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to consider the petitioners representations dated 08.10.2013 seeking to assign house site patta to each petitioner in vacant house site comprised in S.F.No.128/4A, 128/4B, 128/4C measuring 3 cents to each petitioners at Eliyathur Village (Kallakurichi Taluk) now Chinnasalem Taluk, Villupuram District.

For Petitioners : Mr. R.Kumaravel

For Respondents : Mr.B.Anand,
Government Advocate
for R1 to R4.

O R D E R

This Writ Petition is filed seeking issuance of Writ of Mandamus to direct the respondents to consider the petitioners representations dated 08.10.2013 seeking to assign house site patta to each petitioner in vacant house site comprised in S.F.No.128/4A, 128/4B, 128/4C measuring 3 cents to each petitioners at Eliyathur Village (Kallakurichi Taluk) now Chinnasalem Taluk, Villupuram District.

2. It is averred in the Writ Petition that Government of Tamil Nadu has acquired 1.52.5 Hectares of land in Eliyathur Village, Kallakurichi Taluk, to provide house sites to the eligible houseless Adidravida people in the year 1991. It is further averred that in this regard, the Petitioners made several representations including representation dated

08.10.2013 seeking house site patta, however, the respondents did not consider the same, therefore, the present writ petition.

3. Counter affidavit has been filed by the 4th respondent wherein it is stated that out of 37 petitioners, only 3 were found to be eligible to get free house site pattas. As per the rules, the houseless Adi Dravidas are only eligible to get free house site pattas, but even ineligible persons demand for free house site pattas. It is further stated that the petitioners are preventing the respondents to conduct fresh survey to identify eligible houseless persons.

4. Admittedly, the 4th respondent had not chosen to communicate the order, wherein, some of the petitioners are not found eligible for house sites. Therefore, the 4th respondent is directed to communicate the copy of the order passed wherein the details regarding the grant of house site pattas to the eligible Adidravidas vis-a-vis the petitioners who are found not eligible for the same. Such order shall be communicated within four weeks from the date of receipt of a copy of this order.

5. The 4th respondent has also submitted in the counter affidavit that re survey and fresh enquiry is sought to be conducted by the respondents-Department to find out eligible persons presently available at the Eliyathur Village. In such circumstances, it is for the Petitioners to cooperate with the Officers of the Respondent-Department in the re-survey work to be carried on with regard to providing free house site pattas to the Adi Dravidas.

6. Learned counsel for the Petitioners also submits that Petitioners are ready to cooperate with the respondent Officials.

7. In view of the above, this court is inclined to pass the following order:-

(i) The Petitioners shall cooperate with the respondent officials for conducting resurvey on service of notice.

(ii) The Respondents shall consider the applications of the Petitioners for grant of house site patta, based on the enquiry.

(iii) The Respondents shall hold an enquiry as per the Rules, and find eligible persons for grant of patta and pass necessary orders, in accordance with law after providing opportunity to the parties concerned within six months from the

date of receipt of a copy of this order.

(iv) The Respondents shall communicate the order to the Petitioners.

8. This Writ Petition is disposed of with the above direction. No costs. Consequently, connected MP is closed.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To:

- 1.The District Collector
Villupuram District
Villupuram
- 2.The District Adi-Dravida Welfare Officer
Villupuram District, Villupuram.
- 3.The Revenue Divisional Officer
Kallakurichi Revenue Division
Kallakurichi, Villupuram District
- 4.The Special Thasildhar
Adi-Dravida Welfare
Kallakurichi Taluk
Villupuram District

+1 CC to Govt. Pleader sr 35322.

+1 CC to Mr.R.Kumaravel, Advocate sr 35135.

सत्यमेव जयते

W.P.No.18447 of 2014

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RV(CO)
SP(11/06/2019)