



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

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THE HON'BLE MR.JUSTICE R.SURESH KUMAR

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W.P.(MD)No.17019 of 2019

- 1.Jothimani
- 2.Chinnaponnu
- 3.Parimala
- 4.Prema

... Petitioners

-Vs-

- 1.Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

- 2.The District Collector,
Collectorate,
Pudukkottai District.

- 3.Special Tahsildar,
Adi Dravidar and Tribal Welfare
Department, Aranthangi,
Pudukkottai District.

... Respondents

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondents to grant free house site patta in favour of the petitioners in the land comprised in survey Nos.99/7, 98/03 at Dakshinapuram Village, Alangudi Taluk, Pudukkottai District.

For Petitioners : Mr.S.I.Muthiah
For Respondents : Mr.B.Bhagawathy, G.A.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondents to grant free house site patta in favour of the petitioners in the land comprised in survey Nos.99/7, 98/03 at Dakshinapuram Village, Alangudi Taluk, Pudukkottai District.

2.Heard Mr.S.I.Muthiah, learned Counsel appearing for the petitioners and Mr.B.Bhagawathy, learned Government Advocate appearing for the respondents.

3.The petitioners are Adi Dravidars people and in order to get free patta i.e., assignment under landless poor category in survey Nos.99/7, 98/03 at Dakshinapuram Village, Alangudi Taluk, Pudukkottai District, the petitioners had given representation right



from 2008. Subsequently also, several representations seems to have been given and recently, on 04.03.2019, 08.03.2019 and 11.03.2019, the petitioners given representation to the respondents 2, 3 and 1 respectively. In this context, the learned counsel appearing for the petitioners submit that, in respect of the said survey numbers mentioned above, already, free patta for landless poor belongs to Adi Dravidars community had been given by the revenue department and still, some areas, which have been earmarked as Plot Nos.122, 121 and 123 had been kept vacant, where, request had been made by the petitioners and the same has been kept pending for all these years by the respondents. Therefore, the petitioners, having failed in their attempt to get allotment orders from the respondent after giving so many representation for several years, at last, have approached this Court by way of the present writ petition with the aforesaid prayer.

4.I have heard the learned Government Advocate appearing for the respondents, who would submit that, the petitioners cannot seek free patta or assignment of land as a matter of right under the landless poor category. However, at the same time, if the petitioners are really deserved to get assignment under landless poor category by way of free patta, certainly, their request be considered by the revenue authorities on merits and accordingly, last such representations made in the month of March 2019 to the respondents would be decided on merits and in accordance with law, within a time frame to be stipulated by this Court.

5.Considering the said submissions made by the learned counsel appearing for both sides and having regard to the said factual matrix as has been projected before this Court, this Court is inclined to dispose of this writ petition, with the consent of both the parties, at the stage of admission itself, with the following direction:

"The respondents are hereby directed to consider the representations of the petitioners dated 04.03.2019, 08.03.2019 and 11.03.2019 and decide the same on merits with regard to their grievance for getting assignment of housing land under landless poor category as has been identified already in survey Nos.99/7, 98/03 at Dakshinapuram Village, Alangudi Taluk, Pudukkottai District referred to above and if at all the respondents find any difficulty in assigning the land in other survey numbers, it is open to the respondents to give assignment to these petitioners in any other Government vacant land available in that locality, at any rate, needful as has been indicated above shall be undertaken and final order shall be passed by the respondent, within a period of 8 weeks from the date of receipt of a copy of this order."



6. With the above direction, this writ petition is disposed of.
No costs.

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Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The District Collector,
Collectorate,
Pudukkottai District.

3. Special Tahsildar,
Adi Dravidar and Tribal Welfare
Department,
Aranthangi, Pudukkottai District.

+1 CC to M/s.S.I.MUTHIAH, Advocate (SR-79108[F] dated 01/08/2019)
+1 CC to M/s.SPL GP (SR-79438[F] dated 02/08/2019)

SMA/19/12/19/3P/6C

Order made in
W.P. (MD) No.17019 of 2019
Dated: **01.08.2019**