



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
04.11.2019	14.11.2019

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CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.19148 of 2019
and
W.M.P. (MD) No.15507 of 2019

P.Jalal Mohammed ... Petitioner

-VS-

- 1.The District Collector
Madurai District
- 2.The Revenue Divisional Officer
Madurai
- 3.The Tahsildhar
Madurai East Taluk
Madurai District
- 4.The Village Administrative Officer
Chakkimangalam Bit II Village
Madurai East Taluk, Madurai District
- 5.Velayutham

6.E.Abdul Kadhar
7.S.Mansoor ... Respondents
[R5 to R7 are impleaded vide order
dated 25.09.2019 in W.M.P.(MD)
No.16479 of 2019]

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records pertaining to the impugned patta grant order in Na.Ka.No.3655/2018/E2 dated 20.02.2019, on the file of the third respondent, quash the same as illegal and direct the respondents 1 and 2 to verify the eligibility of the beneficiaries by forming a special committee and thereafter re-allocate the free house site patta to the deserving eligible applicants.



For Petitioner : Mr.P.Jalal Mohammed
Party-in-person

For Respondents : Mr.A.Muthukaruppan
Additional Government Pleader for R1 to R4
Mr.R.Sevugaraja for R5 to R7 - No Appearance

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O R D E R

T.S.SIVAGNANAM, J.,

The petitioner Mr.P.Jalal Mohammed appears in person and he has filed this writ petition styled as a public interest litigation praying for issuance of a writ of certiorarified mandamus to quash the order passed by the Tahsildhar, Madurai East Taluk / third respondent, dated 20.02.2019, by which free house site patta was granted to certain individuals.

2. In this writ petition, the petitioner has impleaded three of those individuals and he would stated that he is not aware of others, but emphatic in his statement that the beneficiaries do not deserve such free house site patta as they are already owning houses either in their names or in the name of their spouses and some of the allottees are his close relatives and he knows the fact that the free house site pattas have been granted illegally and the officials have colluded with few people, such as Peer Mohammed, Akbar, Murugan and Velu, who have acted as touts. Further, it is stated that they collected applications and Patta Nos.928 to 1042 were issued to those touts, after collecting a sum of Rs.30,000/- per patta.

3. Further, it is submitted that soon after the grant of patta, by proceedings dated 20.02.2019, the Tahsildar was transferred and it is alleged that blank patta forms were signed and handed over to the Village Administrative Officer, Chakkimangalam Bit-II Village / fourth respondent to distribute to the beneficiaries, who in turn took colour photocopies of the same, filled the names of non-beneficiaries and collected money from them saying as if patta was granted to them, whereas the beneficiaries were not granted patta. One such affected person by name Kadhar Khani had lodged a complaint before Silaiman Police Station, but, the same was not proceeded further and a complaint has also been lodged to the Director of Vigilance and Anti-Corruption.

4. It is submitted by the petitioner that to his knowledge, the beneficiaries in Serial Nos.1,2,13,17,20,21,28,39,41,42, 51,54,67,74,90 & 114 are having income more than the prescribed limit and having own house either in their name or in the name of their spouses. It is further submitted that the spouse of the beneficiary in Serial No.1 is a rich pattadar having a pucca house in Patta No.100 in Chakkimangalam itself. Further, it is submitted



that some of them had obtained free house site patta in the year 1990 and once again, they have been included as beneficiaries and patta has been granted to them.

5. It is further submitted that when agitation was conducted, it was widely reported in the newspapers. Further, it is submitted that the applications filed by the petitioner under the Right to Information Act seeking information was intentionally delayed and only on 22.05.2019, he received a copy of the interim order. Even earlier, the petitioner had submitted a representation on 19.03.2019 and after receiving a copy of the impugned order, representations, dated 11.06.2019 and 13.07.2019 were given and since no action was initiated, the petitioner has filed this writ petition.

6. The Revenue Divisional Officer / second respondent has filed a counter affidavit stating that they have followed the conditions stipulated in the Government Order in G.O.(Ms) No.465, dated 27.11.2018 and prepared a list of houseless poor people. It is further submitted that more than 600 applications were received and they were scrutinized based on the guidelines laid down in the said Government Order, which was orally directed to be done by the District Revenue Officer, Madurai. Further, it is submitted that there is no discrimination in the grant of free house site patta and all of them are eligible to be granted patta. It is further submitted that Velayutham, who is arrayed as fifth respondent in this writ petition, is a different person and not the Velayutham to whom free house site patta was granted, who is an eligible beneficiary. Further, it is submitted that the respondents 6 and 7 are also eligible persons. It is further submitted that the petitioner has suppressed the fact that he is holding the post of Secretary in a political party and the present writ petition is with a political motive.

7. The Tahsildar, Madurai East Taluk / third respondent has filed a counter affidavit stating that the beneficiaries are all eligible persons and the allegations made by the writ petitioner are absolutely false.

8. The learned Additional Government Pleader appearing for the respondents 1 to 4, after reiterating the stand taken in the counter affidavits, referred to the proceedings of the District Revenue Officer, Madurai, dated 22.08.2018 and submitted that the guidelines stipulated by the Government in G.O.(Ms) No.465, dated 27.11.2018, have been scrupulously followed and there is no illegality.

9. We have elaborately heard the petitioner appearing in person and the learned Additional Government Pleader appearing for the respondents 1 to 4.



10. The petitioner has come forward with this writ petition to say that there is a gross irregularity and illegality in the matter of grant of free house site patta. He has given the serial number of the beneficiaries, namely Serial Nos.1,2,13,17, 20,21,28,39,41,42,51,54,67,74,90 & 114, who are not eligible. In Paragraph No.6 of the counter affidavit filed by the third respondent, he sought to justify the allotment stating that on enquiry, it was revealed that the beneficiary found in Serial No.1 is a construction worker living below the poverty line.

11. It is further submitted that beneficiary Nos.90 and 114 are eligible to get free house site patta. The beneficiary Nos.65 and 91 are belonged to scheduled caste community, however, in the impugned proceedings, it is wrongly mentioned that they are belonged to backward community. Thus, the third respondent seeks to explain the grant of patta in respect of about six beneficiaries. But, the petitioner is emphatic in his submission stating that several of the beneficiaries are not eligible for grant of free house site patta. During the course of hearing, the petitioner produced a copy of the electricity bill stands in the name of S.Saraswathi, who is the wife of Selvam and it is stated that Selvam is the beneficiary, when his wife is already owning property in Plot No.17, S.R.No.90/3A, at Ranimangammal Salai, Annai Sathiya Nagar. Insofar as the counter affidavit filed by the second respondent is concerned, it does not render much assistance to this Court as all the averments are vague stating that only eligible persons have been granted free house site patta. The second respondent further states that based on oral direction given by the District Revenue Officer, Madurai, the applications numbering more than 600 were scrutinized. It is not known as to why such oral direction was given.

12. Be that as it may, *dehors* the allegations made against the petitioner by the second respondent / Revenue Divisional Officer stating that the petitioner belongs to a political party etc., the endeavour of the revenue administration in each District is to ensure that the eligible beneficiary has to be benefited. At times, vexatious complaints may also be made. Nevertheless, a re-verification can also be done, because at times, truth will come out only much later. Therefore, in our considered view, this litigation should not be taken as an adversarial litigation. The petitioner appearing in person had stated that several of the beneficiaries are his close relatives and he states that what has been stated by him is absolutely true. We do not propose to render any finding on what was submitted by the petitioner in person. We are convinced that an enquiry requires to be done under the direct supervision of the District Collector, Madurai / first respondent. At the end of the day, it may prove that most of them are eligible beneficiaries. But, if there is one case, where a person, who is not entitled to the free house site patta, had been granted, it would be a ~~worthwhile exercise.~~



13. In the light of the above, we dispose of the writ petition by directing the District Collector, Madurai / first respondent to nominate an officer, specifically for the purpose of re-verification of the list of beneficiaries, who had been granted free house site patta in the subject area. The District Collector may choose a young and dynamic officer with impeccable integrity to examine the records and empower him to call for the records, summon the people and do the re-verification and conduct necessary enquiries and submit a report. On receipt of such report from the said officer, the District Collector / first respondent is directed to pass appropriate orders, on merits and in accordance with law. The re-verification shall be completed by the designated officer, within a period of three months from the date of receipt of a copy of this order. Necessary infrastructural support be extended to the said officer to be nominated by the District Collector. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

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To:

- 1.The District Collector,
Madurai District.
- 2.The Revenue Divisional Officer, Madurai.
- 3.The Tahsildhar,
Madurai East Taluk,
Madurai District.
- 4.The Village Administrative Officer,
Chakkimangalam Bit II Village,
Madurai East Taluk, Madurai District.

+1CC TO MR.P.JALAL MOHAMMED, Advocate Sr. No.98122
+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 98812

W.P. (MD) No.19148 of 2019
and W.M.P. (MD) No.15507 of 2019
14.11.2019

MR(CO)

TR(26.11.2019) 5P 7C