

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11222 of 2020 and
W.M.P.Nos.13684 & 13685 of 2020

Selvi

...Petitioner

-Vs-

- 1 The Special Tahsildar
Adi Dravidar Welfare Department Raja Badar
Street, Thirupattur District
- 2 The Sub Collector, Thirupattur District 635 601
- 3 The Thirupattur District Adi
Dravidar and Tribal Welfare officer Office
of the Thirupattur Adi Dravidar and Tribal
Welfare Department (PO) Thirupattur
- 4 The District Collector
The Office of the district Collector Old BDO
office Kriswhnagiri Mainroad Thirupattur
635 602
- 5 Commissioner and Secretary
The Govt of Tamilnadu Department of Adi
Dravidar and Tribal Welfare Secretariate
Chennai 600 009

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to quash the order passed by the 3rd Respondent in Na.Ka. K8 / 279 / 2020 dated nil of June 2020 on the file of the 3rd Respondent and thereby direct the Respondents to issue the Patta in favour of the petitioner for the 2 cents of land situated in plot No. 43 at Kathirimangalam Village Thirupattur Taluk and District comprised in Survey No. 54/1A 3B 3A 4 out of total land measuring acre 1.77 cents patta land acquired under Adi Dravidar Scheme and Distribution of free patta for Adi Dravidar Community.

For Petitioner : Mr.M.Sunil Kumar
For Respondents : Mr.Annai Ezhil,
Government Advocate

O R D E R

On consent given by either sides, the main writ petition itself has been taken up for final hearing.

2. The case of the petitioner is that he belongs to Hindu Adi Dravida community. She had applied for allotment of land under the Adi Dravida and Tribal Welfare Scheme before the first respondent. The first respondent by proceedings dated 01.02.2019 had allotted certain plots in favour of seven persons and the petitioner is one of the allottee for Plot No.43. The grievance of the petitioner is that the third respondent even without issuing any notice, has straight away cancelled the patta issued in favour of the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.

3. Learned counsel for the petitioner submitted that the third respondent, after specifically finding that the patta was issued for Plot No.43 to 49, has erroneously concluded that it was an unauthorised patta that was given for a common area. Learned counsel further submitted that if the petitioner had been given an opportunity, the petitioner could have put forth her claim and even if an extreme case of unauthorised grant of patta is found, in the facts of the case, the petitioner atleast could have requested for the allotment of some alternative plots. This opportunity has not been completely taken away since the third respondent has proceeded to pass the impugned order without affording any opportunity.

4. Mr.Annai Ezhil, learned Government Advocate appearing on behalf of the respondents submitted that the places were identified for grant of patta to seven persons including the petitioner, is a common area and the patta has been issued illegally to the petitioner and others. Learned counsel submitted that immediately on coming to know about the same, the third respondent had taken action and had cancelled all the illegal pattas by virtue of an order passed dated Nil. Learned counsel therefore submitted that there was absolutely no ground to interfere with the impugned order passed by the third respondent and prayed for the dismissal of the writ petition.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. The plot was allotted by the first respondent through proceedings dated 01.02.2019. Seven plots were identified and

the petitioner was allotted Plot No.43. Towards allotment of the said plots, a patta was issued in favour of the petitioner. The petitioner was also taking steps to get the necessary permission for construction of the houses. The petitioner all of a sudden received the impugned order from the third respondent informing her that the patta has been cancelled since it has been given for a place which has been identified as the common area.

7. The third respondent could have issued notice to the petitioner before passing the order since the petitioner was under the impression that there is the patta for the said plot and she was taking place to put up construction. If at all the patta was issued for a common area, the petitioner could have atleast asked for allotment of some alternative plot. In any case, the order should not have been passed behind the back of the petitioner.

8. In view of the above discussion, the order issued by the third respondent shall be considered as a show cause notice. The petitioner is directed to give her reply to the show cause notice and take a stand. The third respondent, on receipt of the reply from the petitioner, shall thereafter proceed to pass the order strictly in accordance with law. The petitioner is directed to give reply to the third respondent within a period of two weeks from the date of receipt of a copy of this order. The third respondent, on receipt of the reply, shall pass orders within a period of six weeks thereafter. Till final orders are passed, status quo as on today shall be maintained.

9. The writ petition is disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1 The Special Tahsildar
Adi Dravidar Welfare Department Raja Badar
Street, Thirupattur District
- 2 The Sub Collector, Thirupattur District 635 601

- 3 The Thirupattur District Adi
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The Govt of Tamilnadu Department of Adi
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+1cc to Government Pleader in SR.28340

W.P.No.11222 of 2020
& WMP Nos.13684 & 13685 of 2020

SV (CO)
RV (14/09/2020)