



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.08.2020

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.10327 of 2020

and

W.M.P.(MD) Nos.9186 and 9187 of 2020

N.Latha

... Petitioner

Vs.

- 1.The District Collector,
Madurai District,
Madurai.
- 2.The District Adi Dravida & Tribal Welfare Officer,
Madurai District,
Madurai.
- 3.The Revenue Divisional Officer,
Madurai,
Madurai District.
- 4.The Special Tahsildar No.1,
Adi Dravida & Tribal Welfare Department,
Madurai,
Madurai District.
- 5.The Tahsildar,
Madurai South Taluk,
Madurai,
Madurai District.
- 6.The Village Administrative Officer,
Papanodai Village,
Madurai South Taluk,
Madurai District.

... Respondents

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 Enquiry notice dated 10.08.2020 issued by the 4th respondent and quash the same as illegal and consequently, directing the respondents to ensure the free house site to the beneficiaries of Adi Dravida free house site scheme in Survey No.37/2B situated in Papanodai Village, Madurai South Taluk, Madurai District on the basis of the petitioner's representation dated 12.08.2020 and 15.08.2020 to the respondents.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.M.Muthugeethaiyan
Special Government Pleader



ORDER

(Order of the Court was made by **M. SATHYANARAYANAN, J.**)

The petitioner claims to be one of the beneficiaries of free house site granted to Adi Dravida in S.No.37/2B, Papanodai Village, Madurai South Taluk, Madurai District. The petitioner claims to be a resident of No.10-1, East Street, Villapuram, Madurai -12 and she is eking out her livelihood by doing agricultural works in Villapuram Village. It is also the claim of the petitioner that beneficiaries of the said free house site scheme are in possession and enjoyment of the same and some of them put up permanent structures and some of them could not put up construction due to their poor economic background and some of them are out of their native place in connection with their occupation to eek out their livelihood and the conditions of the occupancy could not be complied with.

2.The learned counsel for the petitioner has drawn the attention of this Court to the impugned notice dated 10.08.2020, issued by the 4th respondent and would submit that the contents of the said notice would disclose that in all probability the petitioner and the persons similarly placed, who have been granted free house site patta, are likely to be dispossessed forcibly and he would further add that in the light of the present COVID - 19 Pandemic Virus, this Court may show some sympathy to them in the light of the difficulties undergone by the petitioner and others.

3.Mr.M.Muthugeethaiyan, learned Special Government Pleader accepts notice on behalf of the respondents and drawn the attention of this Court to the memo of the 4th respondent dated 15.07.2020, in Na.Ka.No.2580/2020/Aa1 and would submit that only 12 persons had put up house sites in compliance of the occupancy conditions and for conducting enquiry the concerned persons were directed to bring the free house site patta, registered documents, licence to put superstructure, approved plan, N.O.C. for putting construction as well as electrical consumption charges and the said communication was sent to 72 persons. It is further submitted that the impugned notice dated 10.08.2020 issued by the 4th respondent is in the form of show cause notice, for which, it is always open to the petitioner and others, who had received the said notice, to respond in the form of written representation with supporting documents. He further adds that the apprehension expressed by the petitioner is wholly unfounded and prays for dismissal of this Writ Petition.

4.This Court considered the rival submissions and perused the materials placed before it.

5.The petitioner has been granted a free house site patta, subject to certain conditions and the reasons for non-fulfilment of the conditions appeared to be poor economic background, going out of



the place in connection with the livelihood and also out-break of the COVID-19 Pandemic Virus. The allotment is made subject to certain conditions and once it is accepted, it is obligatory on the part of the allottees to comply with the terms and conditions.

6.Be that as it may, in the considered opinion of the Court, the impugned notice dated 10.08.2020, issued by the fourth respondent, is in the nature of the show cause notice, for which, the petitioner can respond with relevant and supporting documents as required in the earlier communication of the very same 4th respondent dated 10.08.2020 referred to supra.

7.In the result, the Writ Petition is disposed of, granting liberty to the petitioner to respond to the notice dated 10.08.2020, in the form of written representation by enclosing the relevant, required and authenticated documents as sought by the 4th respondent in the memo dated 15.07.2020, within a period of 3 weeks from the date of receipt of a copy of this order and upon receipt of the same the 4th respondent is directed to consider the representation/s received from the petitioner as well as the similarly placed persons within a period of four weeks thereafter and dispose of the same on merits and in accordance with law and communicate decision taken to the petitioner as well as to the others concerned and till such time, shall defer such further proceedings in terms of the impugned notice dated 10.08.2020. It is also made clear that till the disposal of the said representation/s submitted to the 4th respondent, the petitioner and others shall not create any third party right in respect of the land in question or the superstructure. Consequently, connected Miscellaneous Petitions are closed. However, in the circumstances of the case, there shall be no order as to the costs.

Sd/-

Assistant Registrar ()

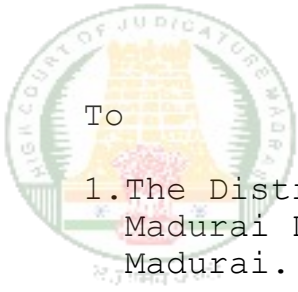
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/ /2020

Sub Assistant Registrar(CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/ litigant concerned.



To

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- 6.The Village Administrative Officer,
Papanodai Village,
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+1 CC to M/s.GP (SR-15560[F] dated 01/09/2020)

W.P. (MD) No.10327 of 2020

and

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