



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.13769 of 2020

P.Mohan

... Petitioner

Vs.

1.The District Collector,
Sivagangai District, Sivagangai.

2.The District Welfare Officer,
Adi-Dravidar and Tribal Welfare Office,
Sivagangai District, Sivagangai.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Sivagangai.

4.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare Office,
Sivagangai, Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to provide patta to the petitioner in respect of S.No.211/1B, 211/2 to an extent of two cents situated at Baiyoor Pillaivayal Village Group, Sivagangai Taluk, Sivagangai District by considering his representations dated 28.01.2019 within the stipulated time.

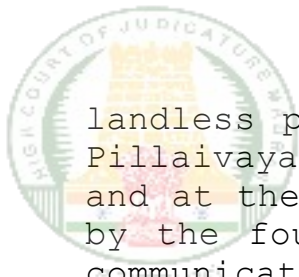
For Petitioner : Mr.T.Thirumurugan
For respondents : Mr.M.Murugan
Government Advocate

ORDER

This writ petition has been filed for issuance of a direction to the respondents to provide patta to the petitioner in respect of S.No.211/1B, 211/2 to an extent of two cents situated at Baiyoor Pillaivayal Village Group, Sivagangai Taluk, Sivagangai District, by considering his representations dated 28.01.2019 within the stipulated time.

2.Heard the learned Counsel appearing for the petitioner and Mr.M.Murugan, learned Government Advocate, who took notice notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3.The learned Counsel appearing for the petitioner submitted that as per the proceedings of the second respondent, dated 21.01.2014, totally 348 house sites were allotted to the



landless poor in Survey No.211/1B and 211/2 situated at Baiyoor Pillaivayal Village Group, Sivagaingai Taluk, Sivagangai District and at the first stage 64 persons were given free house site patta by the fourth respondent. He further submitted that as per the communication of the fourth respondent dated 26.11.2019, out of 348 plots, 284 plots are available to be allotted to the eligible landless poor. Therefore, the petitioner, who is a landless poor, belong to Schedule Caste Community, has made a representation to the respondents on 28.01.2019 seeking free house site in the remaining 284 plots. Since there is no response from the respondents, the petitioner has come forward with the above Writ Petition.

4.Considering the facts and circumstances, the fourth respondent is directed to consider the representation of the petitioner, dated 28.01.2019, and issue patta, after ascertaining the fact by way of a thorough enquiry that the petitioner is a landless poor. In case, if it is found that the petitioner is having any land and suppressed the same, it is open to the fourth respondent to cancel the patta at any point of time. If it, at a later of time after construction of the house, comes to light that there is a suppression of truth and the land has been obtained by way of assignment on the ground of false statement of landless poor, the electricity and water supply connections shall forthwith be disconnected by the authorities concerned. The burden is on the person, who obtained the land by way of concealment of facts to disprove the allegation and by any chance, he cannot take a plea that before disconnection of electricity and water, no notice has been given and the concerned authorities were not added as party respondents, as the show cause notice for cancellation can very well be issued even after disconnection of electricity and water. There is no need for the official concerned to prove their case, as many citizens of this State has been, by one way or the other, attempting to grab the Government Poramboke land or other public properties either by encroachment or by suppression stated supra.

5. With the above observation and direction, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



SRM

To

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District Welfare Officer,
Adi-Dravidar and Tribal Welfare Office,
Sivagangai District,
Sivagangai.

3.The Revenue Divisional Officer,
O/o. The Revenue Divisional Office,
Sivagangai.

4.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare Office,
Sivagangai,
Sivagangai District.

+1 CC to Mr.T. THIRUMURUGAN, Advocate (SR-19202[F] dated 06/10/2020)

+1 CC to SGP (SR-19306[F] dated 07/10/2020)

W.P (MD) No.13769 of 2020
06.10.2020

SJ(CO)

KM (19.10.2020) 3P 7C