



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.11.2020

CORAM

THE HONOURABLE MR. JUSTICE S. VAIDYANATHAN

W.P. (MD) No. 13191 of 2018

WEB COPY

1. M.Malarvizhi
2. A.Rasathi
3. N.Muneeswari
4. M.Podhumponnu
5. S.Vasanth
6. M.Kasammal
7. V.Kamatchi
8. E.Maheswari
9. S.Vimaladevi
10. P.Rajeswari
11. A.Sharmiladevi
12. V.Jeyapriya
13. A.Saranya
14. S.Chellammal
15. N.Tamilarasi
16. S.Manimadhu
17. S.Nithya
18. A.Amsathbegam
19. K.Vanitha
20. B.Uma

... Petitioners

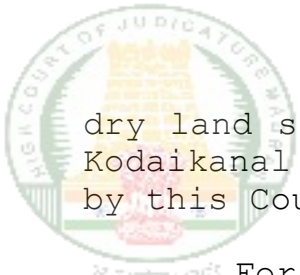
Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Kodaikanal, Dindigul District.
3. The Tahsildar,
Kodaikanal Taluk,
Dindigul District.
4. The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul District,
Dindigul.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to restore the possession of the petitioners' dwelling house and to grant patta for the petitioners in Government

<https://hcservices.ecourts.gov.in/hcservices/>



dry land situated in Survey No.438/3, Mattupatti, Vilpatti Village, Kodaikanal Taluk, Dindigul District within the time frame stipulated by this Court.

WEB COPY

For Petitioner

: Ms.Kanimozhi,
for Mr.T.Lajapathi Roy.

For Respondents

: Mr.M.Pandiarajan,
Additional Government Pleader.

* * *

O R D E R

This writ petition has been filed seeking a direction to respondents 1 to 3 to restore the possession of the petitioners' dwelling house and to grant patta for the petitioners in the Government dry land situated in Survey No.438/3, Mattupatti, Vilpatti Village, Kodaikanal Taluk, Dindigul District, within the time frame stipulated by this Court.

2. Heard the learned counsel appearing for the petitioners and the learned Additional Government Pleader appearing for the respondents.

3. The case of the petitioners is that the petitioners are landless labourers. They were residing in small thatched huts separately in the Government dry land in the aforesaid survey number. While so, in the month of March, 2018, respondents 2 and 3 visited their residential places and orally ordered to vacate their residential huts immediately. Thereafter the revenue officials evicted them from the huts and now they are living in the open places in an extremely cool condition. The petitioners have sent their representation on 12.04.2018 to the respondents requesting them to issue residential patta for the said land and also restore the possession of their residential huts. However, no action has been taken by the respondents so far. Therefore, the petitioners have come forward with the aforesaid relief.

4. Ms.Kanimozhi, learned counsel appearing for the petitioners argued the matter at length. She submitted that Social Welfare Legislation should not be fettered by technicalities and the benefits have to be conferred on the petitioners. She further stated that it is the constitutional duty of the State to provide residential accommodation to the poor and indigent weaker section of the society, as held by the Hon'ble Supreme Court. She also stated that non-issuance of patta for the residential houses of the petitioners is violative of Article 14 of the Constitution of India.



5. The third respondent has filed a detailed counter affidavit and wanted this Court to dismiss this writ petition.

6. I have carefully considered the rival contentions.

7. The learned Additional Government Pleader contended that the petitioners are not landless poor and that they are having their own patta lands in the same village. He also contended that the scheme to issue patta for the landless people was introduced as per G.O.Ms.No.854, Revenue Department dated 30.12.2006. The said scheme was expired on 30.09.2013 itself. Subsequently, the Government issued G.O.Ms.No.372 Revenue Department dated 26.08.2014 extending the benefit of the said scheme from 01.10.2013 to 31.03.2015. He further contended that the petitioners should have made their request only when the scheme was in force. But in this case, the petitioners made their request only in the year 2018 (i.e.) after the lapse of the said Government Order.

8. At this juncture, the learned counsel appearing for the petitioners by placing reliance on the decision of this Court vide order dated 03.12.2019 in W.P.(MD)No.25719 of 2019 etc. batch and also G.O.Ms.No.318 dated 30.08.2019, submitted that the petitioners are in possession of the lands for a period of ten years so that they are entitled to land for dwelling purpose.

9. However, this contention cannot be accepted. The aforesaid decision and the Government Order relied on by the petitioner's counsel cannot be applicable to the facts of the present case.

10. As rightly pointed out by learned Additional Government Pleader, the land belongs to the Government. Considering the facts and circumstances of this case, this Court is not inclined to grant the relief sought for by the petitioners. Accordingly, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

pmu

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.

<https://hcservices.ecourts.gov.in/hcservices/>



To:

1. The District Collector,
Dindigul District, Dindigul.
2. The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Kodaikanal, Dindigul District.
3. The Tahsildar,
Kodaikanal Taluk,
Dindigul District.
4. The Superintendent of Police,
O/o. The Superintendent of Police,
Dindigul District, Dindigul.

+1 CC to Mr.T.LAJAPATHI ROY, Advocate (SR-22870[F]dated
26/11/2020)

+1 CC to SPL GP (SR-23015[F] dated 26/11/2020)

W.P.(MD)No.13191 of 2018
24.11.2020

VB (23.12.2020) 4P 7C