

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.2168 of 2021
and
W.M.P.Nos.2455 & 2456 of 2021

B.Boopathy

...Petitioner

.Vs.

1. The District Collector,
Tiruppathur District,
Tiruppathur.

2. The Special Tahsildar (Adi Dravidar Welfare),
Tiruppathur.

3. Amutha

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus calling for the records of the second respondent herein relating to his impugned order in Na.Ka.No.A1/1963/2010, dated 27.08.2020, quash the same as unsustainable in law and issue consequential directions to the second respondent herein to alter/change the number of plot allotted to the petitioner as plot No.54 instead of plot No.50 based on the boundaries mentioned in the Assignment order issued in Na.Ka.No.A1/1963/96, dated 24.10.2005 by the second respondent herein.

For Petitioner : Mr.D.Baskar

For Respondents 1 & 2 : Mr.M.Manigopi,
Government Advocate

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O R D E R

(The case has been heard through video conference)

The writ petition has been filed challenging the impugned order passed by the the second respondent dated 27.08.2020, rejecting the request of the petitioner for changing the plot allotted to him.

2. The grievance of the petitioner is that, earlier the second respondent by order dated 24.10.2005, assigned Plot No.50, to the petitioner, measuring an extent of 0.03 cents in Survey No.241/4B in Kudiyanakuppam Village. Even though as per the assignment order, he was allotted Plot No.50, the schedule given in the assignment order show that only Plot No as 54, was actually allotted to him, but wrongly mentioned as Plot No.50. In the said circumstances, he made an application for effecting the said change. However, the second respondent rejected the said request of the petitioner. Hence the present writ petition has been filed.

3. Mr.D.Baskar, learned counsel appearing for the petitioner would contend that the boundaries mentioned in the assignment order would clearly reveals that the petitioner has been allotted only Plot No.54, however, it is wrongly mentioned in the assignment order as Plot No.50. Without considering the same, the second respondent has rejected the request of the petitioner.

4. Per contra, Mr.M.Manigopi, learned Government Advocate appearing for the respondents 1 and 2 would submit that, totally 58 house sites have been assigned to various assignees. So far as the petitioner is concerned, he was allotted with Plot No.50, but due to oversight, the boundaries are wrongly mentioned in the order. The petitioner was actually allotted Plot No.50, and the third respondent herein has been allotted with Plot No.54 and she has also taken possession. Considering these circumstances, the second respondent has rightly rejected the petitioner's request.

5. I have considered the rival submissions and also perused the materials available on record.

6. On a perusal of the order of assignment, it could be seen that, the petitioner has been allotted with Plot No.50, however the schedule given in the assignment order, it is stated that the property is situated on the East of Plot No.55 and South of Plot No.53, and within that boundary only Plot No.54 only lie. However it is now stated that due to oversight the schedule was wrongly mentioned in order, and the petitioner was allotted with Plot No.50 only. Further Plot No.54 has been assigned to the third respondent herein and she has also taken possession and enjoying the same and the petitioner also taken possession of Plot No.50. In the impugned order also clearly stated that due to oversight, the schedule has been wrongly mentioned and the plot which the petitioner is seeking has already been allotted to the third respondent.

7. In the above circumstances, I find no reason to interfere

with the impugned order passed by the second respondent and the writ petition is liable to be dismissed and accordingly dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar

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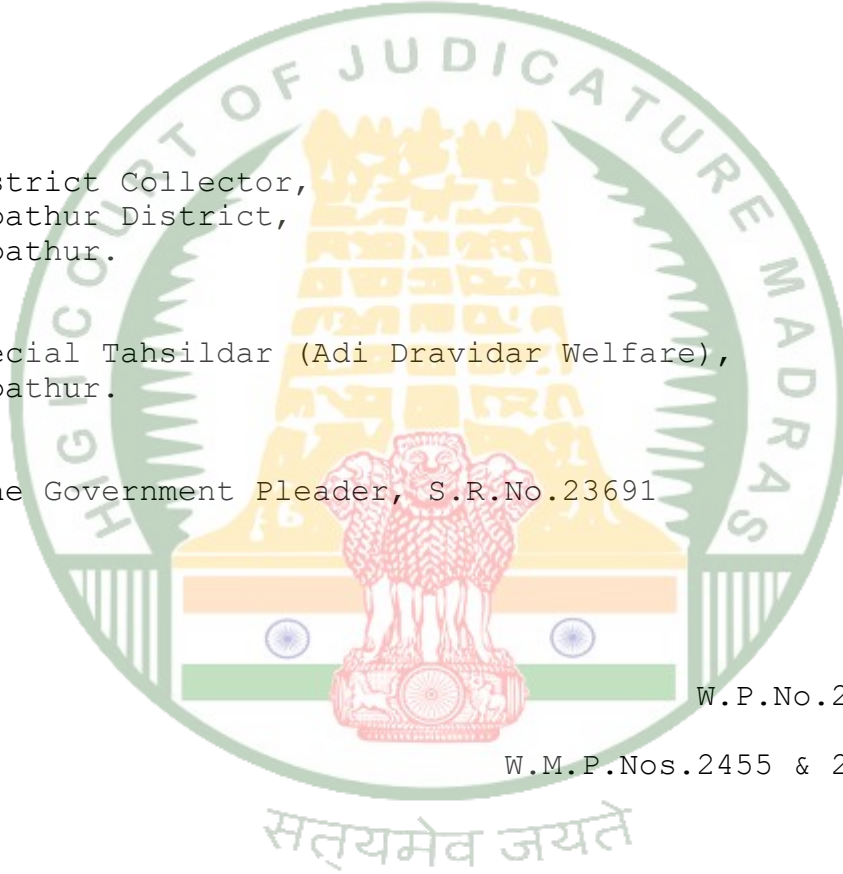
Sub Assistant Registrar

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To

1. The District Collector,
Tiruppathur District,
Tiruppathur.
2. The Special Tahsildar (Adi Dravidar Welfare),
Tiruppathur.

+1cc to the Government Pleader, S.R.No.23691



W.P.No.2168 of 2021
and
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AK-II (CO)
RN (12/05/2021)

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