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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.14840 of 2016
and W.M.P.No.12975 of 2016

Raja Gounder

... Petitioner

-Vs-

1. The Tahsildar,
Salem South,
Salem.
2. The Reveune Divisional Officer,
Salem District,
Salem.
3. The District Revenue Officer,
Salem.
4. The District Collector,
Salem District, Salem.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ Certiorarified Mandamus calling for records relating to the proceedings of the second respondent dated 30.12.2015 (received on 21.01.2016) made in Na.Ka.No.1017/2005/A2, quash the same insofar as the petitioner is concerned and direct the second respondent to allot house site patta measuring 4 cents in S.No.42/5A in Kallaankuthu lands, Salem Taluk, Salem District on the basis of the Government Orders issued and also in due compliance of the order passed by this Court in W.P.No.9443 of 2010 dated 10.09.2014.

For Petitioner	:	Mr.Karthik For Mr.K.Rajasekaran
For Respondents	:	Mr.Richardson Wilson Government Advocate.



ORDER

This Writ Petition has been filed to call for the records relating to the proceedings of the second respondent dated 30.12.2015 made in Na.Ka.No.1017/2005/A2 and quash the same insofar as the petitioner is concerned and to direct the second respondent to allot house site patta measuring 4 cents in S.No.42/5A in Kallaankuthu lands, Salem Taluk, Salem District on the basis of the Government Orders issued and also in due compliance of the order passed by this Court in W.P.No.9443 of 2010 dated 10.09.2014.

2. Heard Mr.Karthik, learned counsel appearing for the petitioner, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents.

3. The petitioner and others were resided in the Government poramboke land viz., the grazing ground in survey No.8/15A and 8/15B at Attayampatti Village for a number of decades. However, they were forcibly evicted by the government in the year 1999. Thereafter, on the several representations made by them, they were given assurance that the government will give alternative house sites patta for their residential purpose. The second respondent inspected the various grounds and finally decided to allot the house sites in Kallankuthu land comprised in survey No.42/5A in Attayampatti Village. Accordingly, by the G.O.Ms.379 dated 06.07.2007, the Government directed the fourth respondent to provide house sites to three persons only and other 35 persons including the petitioner were denied such benefits.

4. Therefore, the petitioner and others filed Writ Petition before this Court in W.P.No.9443 of 2010 and this Court by an order dated 10.09.2014 passed the following orders:-

"10. In view of the above, If the petitioners fulfill the conditions/guidelines given by the Government and if they do not come under any one of the ineligible categories as stated by the Government viz., persons who have migrated to some other place, persons who are owning lands and persons who are wealthy, this Court is of the view that considering each and every case on merits, the Government is bound to extend one time scheme to each and every one of the petitioners. The stand that the Collector has written a letter requiring the land for expansion of bus stand based on the



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resolution of the Attaiyampatti Village Town Panchayat, is not a ground to reject the case of the petitioners as it is at premature stage. In case the land is required for expansion of bus stand, it is open to the authorities to act in accordance with law. However, the eligible persons are entitled to house sites either in the site identified or any other site to be identified, however, quoting the resolution and the proposal, depriving the petitioners other than the three who have already been identified, in giving them house site under one time scheme, which has been extended till 31.03.2015 by G.O.Ms.No.372 dated 26.08.2014, is not correct."

This Court specifically observed that if the petitioners fulfilled the conditions/ guidelines given by the Government and if they do not come under any one of the ineligible categories as stated by the Government viz., persons who have migrated to some other place, persons who are owning lands and persons who are wealthy, their each and every case may be considered on merits. Further the petitioner and others are directed to produce the necessary documents/ proof as required by the government to get patta for the house site.

5. It is seen from the impugned order that, on enquiry, the second respondent found that the petitioner has two daughters and they owned land to an extent of 4.50 acres comprised in survey Nos.101/3B, 105/1, 105/2 situated at Kavundar Kulamanikam Village, Sangagiri Taluk. Therefore, the petitioner is not eligible for issuance of free house site patta and the second respondent rightly rejected the claim of the petitioner. This Court finds no infirmity or illegality in the order passed by the second respondent and the Writ Petition is devoid of merits and liable to be dismissed.

6. In the result, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar



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To

- 1.The Tahsildar,
Salem South,
Salem.
- 2.The Reveune Divisional Officer,
Salem District,
Salem.
- 3.The District Revenue Officer,
Salem.
- 4.The District Collector,
Salem District, Salem.

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RSI (CO)
PR (05/10/2021)