



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 20.09.2021

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.16526 of 2016
and WMP No.14285 of 2016

1. Mrs.Vinotha
2. Mrs.Kavitha

.. Petitioners

Vs

The Block Development Officer (V.P.),
Palacode,
Dharmapuri District - 636 808.

.. Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to impugned order alleged to have made in Na. Ka. No. 167/2015/E1 dt 10.12.2015 and the order made in Na. Ka. No. 269/2016/E1 dt 5.4.2016 by the respondent and quash the same and consequently direct the respondents to comply with the order of allotment made in Na.Ka.No.167/2015/E1 dt 30.4.2015 by depositing the funds mentioned thereon in favour of the 1st petitioner.

For Petitioners: Mr.G.Ethirajulu

For Respondent : Mr.C.Kathiravan
Government Advocate.

O R D E R

The grievance of the writ petitioners is that the preferential certificate issued by the authorities competent for securing employment is cancelled on the ground that the petitioners have encroached the government poromboke land. The said encroachment was ascertained based on the report of the Village Administrative Officer.

2. The learned counsel for the petitioners reiterated that as per the sketch the property belongs to the petitioners alone, is utilised for the construction of house. However, these factors cannot be ascertained merely based on the copy of the map submitted by the petitioners in the present writ petition. A field inspection is required by the competent authorities to



ascertain the actual facts and circumstances and for the purpose of taking a decision.

3. The learned counsel for the petitioners raised certain allegations against the Block Development Officer. However, the District Collector is the competent authority to entertain an appeal against the order passed by the Block Development Officer, in this regard and conduct an enquiry and take a decision on merits and in accordance with law.

4. This being the factum established, the petitioners are at liberty to prefer an appeal to the District Collector, Dharmapuri District, within a period of four weeks from the date of receipt of a copy of this order, along with all other documents and in the event of filing any such appeal, the District Collector, Dharmapuri District, is directed to conduct an enquiry and take a decision on merits and in accordance with law and pass appropriate orders, by affording opportunity to the writ petitioner, as expeditiously as possible.

5. With these directions, the writ petition stands disposed of. No Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Block Development Officer (V.P.),
Palacode,
Dharmapuri District - 636 808.

2.The District Collector,
Dharmapuri.

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.48368
+1cc to the Government Pleader, S.R.No.48563

WP No.16526 of 2016

BS (CO)
CB(13/10/2021)