



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.07.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

Writ Petition Nos. 10667, 31185, 31190, 31197, 31203, 31208,
31212, 31217, 31222, 31226, of 2018

Murugesan	...Petitioner in WP No.10667 of 2018
K.Boopalan	...Petitioner in WP No.31185 of 2018
D.Rajan	...Petitioner in WP No.31190 of 2018
S.Rajendiran	...Petitioner in WP No.31197 of 2018
G.Govindhammal	...Petitioner in WP No.31203 of 2018
K.Madhanamohan	...Petitioner in WP No.31208 of 2018
J.Viswanathan	...Petitioner in WP No.31212 of 2018
V.Pradhap	...Petitioner in WP No.31217 of 2018
G.Perumal	...Petitioner in WP No.31222 of 2018
S.Theepanchan	...Petitioner in WP No.31226 of 2018

Versus

1. The Chief Secretary
Government of Puducherry
Puducherry State

..1st Respondent in
WP No.10667 of 2018

2. The Director
Adhi Dravidar Welfare Department
Puducherry
Puducherry State

..2nd Respondent in
WP No.10667 of 2018 and 1st Respondent in
W.P.Nos.31185/2018,31190/2018,31197/2018
31203/2018,31208/2018,31212/2018,31217/2018
31222/2018, 31226/2018



WP No. 10667 of 2018:- Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 28.03.2018 in accordance with law and direct the respondents to permit the petitioner to live in his allotted house allotted by the respondents on 02.04.2015 at Plot No.1, Kudiyiruppupalayam, Bahoor Village, Puducherry State to secure the ends of justice.

Common Prayer for WP Nos.31185,31190,31197,31203,31208,31212,31217,31222&31226/2008:-

Writ petition filed under Article 226 of the Constitution of India, praying to issue writ of mandamus directing the Respondent to consider the representation of the petitioner dated 16.11.2018 in accordance with law and Direct the Respondent to permit the petitioner live in his free house allotted by the respondents on 02.04.2015 House site No.94, No.14, No.100, No.78, No.96, No.101, No.66, No.88, No.25 respectively Group house quarters Kudieruppupalayam Seliamedu Post Puducherry State to secure the ends of justice.

For Petitioner in all WPs : Mr.R.Sankarasubbu

For Respondents in all Wps : Mr.C.T.Ramesh
Government Advocate (Pondy)

COMMON ORDER

In all these writ petitions, the petitioners seeks for issuing a Writ of Mandamus directing the respondents to permit them to continue to reside in their respective dwelling houses, which was allotted to them by the respondents during the year 2015.

2. The case of the petitioners in these writ petitions is that they are beneficiaries of dwelling houses allotted to them by the respondents pursuant to the scheme formulated by the Government of Pondicherry to uplift the standard of living of those who are living below the poverty line. According to the petitioners, they are coolie/daily wage workers and they have no permanent source of income. It is also stated by the petitioners that after the dwelling houses were allotted to them, they have obtained electricity service connection, water service connection etc., and they are peacefully living in the respective houses allotted to them. While so, the second respondent issued show causes notices to the petitioners, on various dates, calling upon them to submit as to why the allotment of houses made to them be not cancelled. Such notices came to be issued by the second respondent, purportedly, after a



field inspection caused by the officials, during which, it allegedly unfolded that the petitioners are not residing in the houses allotted to them and thereby they have violated the conditions of allotment. After receipt of the notices, the petitioners have also submitted individual representations to the second respondent stating that they are residing in the houses allotted to them and that they did not violate any of the conditions of allotment. In spite of such reply, the second respondent issued similar notice with the same contents and called upon the petitioners to submit their explanation as to why the order of allotment issued in their favour be not cancelled. Aggrieved by such an action resorted to by the second respondent, the petitioners have filed the present writ petitions.

3. The learned counsel for the petitioners would submit that the petitioners are in possession of the respective houses allotted to them. However, the second respondent proceeded to cancel the orders of allotment based on some inspection conducted by the officials of the second respondent Department. According to the petitioners, the show cause notices issued to the petitioners did not contain any date or time of inspection by the officials. Further, the so-called report of the inspecting officials has also not been furnished to the petitioners. The second respondent, with an intention to dispossess the petitioners and to favour some other persons with an order of allotment, has issued the show causes notices. The learned counsel for the petitioners therefore prayed for issuing appropriate direction to the second respondent to permit the petitioners to continue to reside in the dwelling unit allotted to them without any interruption.

4. The learned Government Advocate appearing for the respondents submitted that the show cause notices issued to the petitioners have not been challenged by them. While so, the present writ petitions filed by them for a Mandamus need not be entertained. Further, it is submitted that during inspection, it unfolded that most of the petitioners are not residing in the dwelling units allotted to them. In the case of some other petitioners, they are already having lands in their name for which patta was also issued in their favour, while so, they are disentitled for allotment of the dwelling units at all. The learned Government Advocate also produced a copy of the verification report and submitted that most of the petitioners did not occupy the dwelling units allotted to them or they reside in the dwelling units at the time of inspection and it tantamount to violation of the orders of allotment. The learned Government Advocate appearing for the respondents therefore prayed for dismissal of these writ petitions so as to enable the respondents to proceed further in the matter.



5. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents 1 and 2. Pending disposal of the writ petitions, this Court granted an interim order directing the respondents to permit the petitioners to continue to reside in their respective houses and the interim order is in force as on date.

6. Admittedly, the second respondent has allotted dwelling units to the petitioners in a scheme framed by the Government of Puducherry with the avowed object of uplifting the standard of living of those residents who are living below the poverty line. The petitioners herein are beneficiary of the aforesaid scheme and they were issued with an order of allotment. The orders of allotment issued to the petitioners is subject to certain conditions and if the conditions are violated by the allottees, it will entail cancellation of the allotment. In this case, on the basis of certain complaints, the officials of the respondents said to have caused an inspection. However, in the show cause notice issued to the petitioners, neither the date of such inspection was indicated nor the person who has inspected is spelt out.

7. Be that as it may. When there is violation of the conditions of allotment, the respondents can certainly take action against the petitioners in accordance with law and they cannot be prevented from doing so. At the same time, the proposed action must be in accordance with the established procedures contemplated under law. In such view of the matter, it would be appropriate to direct the second respondent to consider the claim of the petitioners made in the representations submitted by them to the respondents, after affording sufficient opportunity of hearing to them and thereafter the second respondent shall proceed to pass an order thereof on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order. Till such time, the interim order granted by this Court shall continue.

8. Subject to the aforesaid observations, all the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

rsh



To

1. The Chief Secretary
Government of Puducherry
Puducherry State

WEB COPY

2. The Director
Adhi Dravidar Welfare Department
Puducherry
Puducherry State

+10cc to the Government Pleader (Pondy),
in CC S.R.No.36695 to 36704 dated 29.07.2021

WP Nos. 10667, 31185, 31190, 31197,
31203, 31208, 31212, 31217,
31222, 31226, of 2018

GSM(CO)
RGA(27/08/2021)