



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.12.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.37766 OF 2015

1.M.Pushpalatha
2.Amuthavalli
3.Pattammal
4.Kantha
5.Vallyammal
6.Kalyan
7.Gnanasekaran
8.Vinothkumar
9.Subramani
10.W.S.Venugopal

...Petitioners

Vs

1.The State
Rep. by its Secretary,
Department of Backward Classes,
Backward Class Muslims,
Most Backward Classes and
Denitrified Communités,
Fort St. George, Secretariat,
Chennai - 600 009.

2.The Special Commissioner and
Land Administrative Commissioner,
Chepauk, Chennai - 600 005.

3.The District Collector,
Vellore District.

4.The Tahsildar,
Land Acquisition,
Adi Dravidar Welfare,
Walajapet Taluk,
Vellore District.

5.The Tahsildar,
Walajapet Taluk,
Vellore District.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the
Constitution of India, to issue a Writ of Certiorarified



Mandamus, calling for the records pertaining to the order made in Na.Ka.A.2618/2010 dated 05.10.2015 passed by the 4th respondent and quash the same and further directing the respondents 3 to 5 to provide free house site to the petitioners from the Government lands within Ranipet Town Panchayat, Vellore District.

For Petitioners : Mr.G.Pugazhenth
For Respondents : Mr.M.Rajendran
Additional Government Pleader

O R D E R

Free house site can never be claimed as a matter of right by any citizen. Allotment of free house site or tenements is a welfare scheme introduced by a welfare State and such schemes are to be implemented strictly in accordance with the terms and conditions stipulated regarding eligibility. Eligibility for grant of free house site or tenement is to be adopted scrupulously by the competent authorities. Free house site and tenements are provided at free of costs from and out of the tax payers' money. Such schemes are to be implemented by the Government in respect of the poor, needy and downtrodden landless people. Strict scrutinization of eligibility is imminent and violation in this regard must be seriously viewed. Such welfare schemes are being implemented by the Government in order to uphold the constitutional philosophy and ethos. In order to uphold the principles of equal economic status and social justice, such welfare schemes are introduced and implemented. Thus, the utilization of tax payers' money must be judicious and any improper utilization is unconstitutional. Thus, the Government while framing the scheme should adopt a practical and pragmatic approach so as to ensure that needy people would get such freebies from and out of the welfare scheme introduced by the Government then and there.

2.In the present case, admittedly the land was acquired, however, for the purpose of allotment of free house site to the Adi Dravidar people by the Adi Dravidars Welfare Department. Admittedly, the petitioners do not belong to Adi Dravidar community and they are seeking free house sites. Such a claim itself is untenable as the petitioners have no right to claim free land as a matter of right.

3.As far as the issue on hand is concerned, the land acquired is for the purpose of allotment of free house site to Adi Dravidar landless people and the petitioners being Non-Adi Dravidars are not entitled to get the benefit under the particular scheme. This being the factum, the petitioners have



not established even a semblance of legal right for the purpose of considering the relief as such sought for in the present writ petition. Even in respect of the other lands, only if any scheme is formulated by the Government and persons are eligible, then alone application must be submitted, then also, submission of application itself would not confer any right to get allotment or otherwise.

4. With these observations, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar

cse

To

1. The Secretary,
Department of Backward Classes,
Backward Class Muslims,
Most Backward Classes and
Denitrified Communities,
Fort St. George, Secretariat,
Chennai - 600 009.
2. The Special Commissioner and
Land Administrative Commissioner,
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Land Acquisition,
Adi Dravidar Welfare,
Walajapet Taluk,
Vellore District.
5. The Tahsildar,
Walajapet Taluk,
Vellore District.

+1cc to Mr. G. Pugazhenthir, Advocate SR.No.63084

+1cc to the Government Pleader SR.No.63467

W.P.No.37766 of 2015

SSI (CO)

RVM(14/12/2021)