

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2021

Coram

The HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.No.8666 of 2020

and

W.M.P.No.10498 of 2020

S.Janani

...Petitioner

vs.

1. The District Collector,
New Collectorate Building,
First Floor,
Manjakuppam,
Cuddalore - 607 001

2. The Block Development Officer
Kattumannarkoil Town Panchayat Taluk,
Cuddalore District.

3. Mrs.S.Ananthakumari,
Kurungudi Panchayat President
W/o P.Sathish Kumar,
New Colony, Kurungudi,
Kandamangalam (P.O)
Kattumannar Koil (T.K.)
Cuddalore - 608 301

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus forbearing the 3rd respondent from interfering, disturbing with petitioner title possession and enjoyment of 3 cents of land in survey number 131/3,4-133, Plot No.90, Kurungudi Village, Kattumannarkoil Taluk, Cuddalore District given under the Adi Dravidar Welfare Housing Scheme.

For Petitioner .. Mr.R.Gunaalan
For Respondents .. Mr.M.Elumalai,
Government Advocate for
R1 and R2
No appearance for R3

ORDER

This Writ Petition is filed for a Mandamus, forbearing the 3rd respondent from interfering, disturbing with the petitioner's title, possession and enjoyment of 3 cents of land

in survey number 131/3,4-133, Plot No.90, Kurungudi Village, Kattumannarkoil Taluk, Cuddalore District, given under the Adi Dravidar Welfare Housing Scheme.

2. The case of the petitioner is that the free housing site patta was issued to the homeless Adi-Dravidar/Tribal Families at free of cost and according to this petitioner, she was allotted with 3 cents of patta land in Survey Number 131/3,4-133 Plot No.90, Kurungudi Village, Kattumannarkoil Taluk, based on her application and after due verification. But all of a sudden, the respondent is attempting to disturb her peaceful possession, while patta stands in her name. Therefore, the petitioner has approached this Court by way of this writ petition.

3. In response to this writ petition, the District Collector, Cuddalore, filed a detailed counter stating that this free house site patta has been issued to the petitioner in the year 2013 with certain conditions and one of the conditions is that within a period of six months, a residential house must be built atleast in small part of the house site and must be in enjoyment of the beneficiary. However, till date, the said land remains vacant and no construction has been put up so far.

4. It is also brought to the notice of this Court that the petitioner's husband is working in Chennai in a Private Company and owning a house in Chennai. In this regard, the learned Additional Government Pleader, Mr.M.Elumalai, has also produced a House Warming Ceremony invitation which stands in the name of the petitioner and her husband, Vimalprasath, as if they were inviting for House Warming function at C3 Flat, Zebulon Apartments, Madipakkam, Chennai, on 10.02.2019. He would also submit that the concerned Tahsildar who granted free house site patta to the petitioner was also suspended for malpractise. It is further submitted that the area earmarked for public purpose had been granted patta and that the petitioner's land is also one among the area meant for public purpose. Since it was granted to a person who is not eligible, the respondents are attempting to take possession of the land for public purpose. It is further stated that one Kalaiselvi W/o Chandrasekaran, who was also granted free house site patta, which was meant for public purpose, has returned the patta, whereas this petitioner has filed this writ petition and obtained an interim order.

5. The grievance of the petitioner is that the patta has been issued only after due verification, but without affording an opportunity of hearing to the petitioner, all of a sudden, the respondents are trying to evict the petitioner after issuing patta.

6. This Court paid its anxious consideration on the rival submissions made.

7. Considering the facts and circumstances of the case, this Court is inclined to dispose of this writ petition by remitting the matter back to the Special Tahsildar(Adi-Dravidar Welfare), Chidambaram, to issue notice to the petitioner and conduct an enquiry and take a decision with the available materials, on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. Till such time, the possession of the petitioner need not be disturbed. Therefore, there shall be an order of status quo till then.

8. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vsi

To

1. The District Collector,
New Collectorate Building,
First Floor,
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Cuddalore - 607 001
2. The Block Development Officer
Kattumannarkoil Town Panchayat Taluk,
Cuddalore District.
3. The Special Tahsildar
(Adi Dravidar Welfare)
Chidambaram

+1 CC to Mr. Gunalan, Advocate sr 7585
+1 CC to The Government Pleader sr 7702.

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MG (CO)
SP(11/02/2021)