

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.NO.2817 OF 2016

AND

W.M.P.NO.2358 OF 2016

R.Indira

.. Petitioner

Vs

1. The Collector,
Villupuram District,
Villupuram.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Villupuram.
3. The Secretary to Government,
Adi Dravidar Welfare Department,
Fort St.George, Chennai.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the first respondent to allot the free house site patta to the petitioner based on the letter dated 03.06.2015 issued by the first respondent and allot a free house site allotment patta forthwith in favour of the petitioners as per the scheme in the Government land which has been allotted for the Washerman (Dobhi) and Nakuliyars (Barber) community in Survey No.85/2 of Kandamangalam Village.

For Petitioner : Mr.G.P.Arivudhudar

For Respondents : Mrs.A.Madhumathi
Special Government Pleader

O R D E R

This Writ Petition is filed for issuing a Writ of mandamus directing the first respondent to allot a free house site patta to the petitioner based on the representation dated 03.06.2015, in favour of the petitioner as per the scheme of the Government.

2. The petitioner states that she is living in Kandamangalam Village, Villupuram District and that she belongs to Barber community. Stating that the Government of Tamil Nadu introduced several schemes for providing free house sites to down trodden and backward community people, the petitioner along with 12 others has earlier filed a writ petition before this Court to include the petitioner in the writ petition as beneficiaries of Government scheme to allot free house sites for Washerman and Barber community and to allot free house site to the petitioners on the basis of their representations.

3. This Court, considering the limited scope of the prayer, directed the first respondent namely the District Collector, to consider the representation of the petitioners dated 09.12.2014, for the allotment of the free house site patta in accordance with law. Following the order of this Court in the Writ Petition in W.P.No.34872 of 2014, filed by the petitioner along with others, the District Collector by his proceedings dated 03.06.2015, identified the petitioner as the only eligible person among the thirteen persons who are the writ petitioners in W.P. No.34872 of 2014.

4. Pursuant to the order of the District Collector dated 03.06.2015, identifying the petitioner as a beneficiary, the petitioner submitted few representation to the respondents. Relying upon few orders passed by this Court relating to certain people who are similarly placed to get their name included in the list of beneficiaries for allotment for free house site patta, the petitioner has once again filed the above writ petition for issuing a writ of mandamus directing the first respondent to allot a free house site patta to the petitioner.

5. The second respondent filed a counter affidavit. The relevant paragraphs are extracted hereunder:

paragraph 7 and 8

"...

7. I further submit that, however after the outcome of the W.P. No.11932 of 2015 it was brought to knowledge of the respondents that, under proceeding No: RTC 129/2006-2007 dated 31.05.2006, the petitioners husband Mr.Ranganthan son of Parsuraman along with one Krishnamurthy son of Veerasamymesthiri owns a land jointly to an extent of 333 Sq.mt. in S.No.688/11 under Patta No:164, from the year 2006 itself.

8. I further submit that, the petitioner's husband has built a Row house in the said land, obtained E.B. connection and the petitioner is living in the said

property along with her husband. The petitioner had wantonly suppressed the same, made a false representation, and sustained it and is making continuous attempts to get such free house site fraudulently."

6. The entitlement of the petitioner to get free house site patta should be considered with reference to any scheme of Government. Though the petitioner states that she is entitled to get free house site patta as per the scheme of Government, the second respondent now states that the petitioner is not eligible to get free house site patta under the Scheme of Government as the petitioner is living with her husband in a building which is built by the petitioner's husband.

7. Pursuant to the earlier direction of this Court, it is true that the District Collector has identified the petitioner as the only eligible person out of the thirteen people who filed the writ petition. However, the order of the District Collector is subject to the availability of suitable land for issuing free house site patta to the petitioner. From the proceedings it is seen that the petitioner has not been allotted any free house site patta. Since the second respondent has filed a counter affidavit questioning the eligibility of the petitioner on the ground that her husband own an independent house, the eligibility of the petitioner has to be revisited.

8. Having regard to the stand taken by the second respondent in the counter affidavit that the petitioner is not eligible to get free house site patta and this being contrary to the findings of the District Collector in the prior proceeding, this Court cannot give a positive direction but inclined to dispose of the writ petition in the following lines. The respondents shall consider the petitioner's eligibility to get free house site patta under any scheme of the Government to provide free house sites to Backward Class community people. If the petitioner is found eligible as per the scheme of Government or as per any executive orders, the respondents shall consider the request of the petitioner to get free house site patta. Even if no land is available for allotment, the second respondent is directed to pass order as to the eligibility of the petitioner to get patta in terms of any scheme of Government. If any land is available and the second respondent has given an order of assignment of free house site patta to similarly placed persons after the order of this Court in the earlier writ petition in W.P. No.34872 of 2014, the petitioner is entitled to get allotment or assignment of free house site patta. Once the respondents find a place for allotment of free house site patta or identify any land which has been earmarked by the State Government for assignment of land to poor or homeless, the

petitioner's request shall be considered positively while passing an order of assignment. The whole exercise shall be done within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Collector,
Villupuram District,
Villupuram.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Villupuram.
3. The Secretary to Government,
Adi Dravidar Welfare Department,
Fort St. George, Chennai.

+1cc to M/s.Law Square, Advocate, S.R.No.10750
+1cc to the Government Pleader, S.R.No.11007

W.P.No.2817 of 2016

LN(CO)
CS/01/07/2021

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