



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.16461 of 2021

N.Adhilakshmi

... Petitioner

Vs.

1. The District Collector,
Chengalpattu District,
Chengalpattu - 603 305.

2. The Tahsildar,
Cheyyur Taluk,
Cheyyur,
Chengalpattu - 603 302.

3. The Block Development Officer,
(Lathur) Pavinjur,
Cheyyur Taluk,
Chengalpattu - 603 302.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondent to consider the petitioner representations dated 24.12.2020, 18.01.2021 and 30.04.2021.

For Petitioner : Mr.Y.Dev Arulprakash

For Respondents : Mr.A.Selvendiran
Government Advocate for R1 & R2
Mr.Muhilan for R3

ORDER

On consent given by either side, the main writ petition itself is taken up for final hearing.

2. This writ petition has been filed for the issue of writ of Mandamus directing the respondents to consider the representation made by the petitioner wherein, the petitioner is seeking for handing over 16 keys for the houses, which are yet to be occupied by the allottees.



3. The case of the petitioner is that during the year 2009-2011, a program was conducted for the welfare of the homeless people and it resulted in the Periyar Samathuvapuram Scheme, wherein the Government will construct houses and it will be handed over to the homeless in the villages. The main object of the scheme is to identify such homeless people irrespective of the caste and to bring in the concept of oneness among all, without any caste discrimination.

4. It is stated that nearly 100 houses were constructed and out of the same, 90 allottees were identified initially. Out of the 90 allottees, 74 allottees were handed over with the houses constructed and they are in occupation of the same. The remaining 16 allottees was pending allotment.

5. A representation was made in this regard and since the same was not considered, one Adhi Lakshmi had approached this Court and filed WP No.27014 of 2013, seeking for appropriate directions. This writ petition was disposed of by an order dated 02.01.2018, wherein, this Court directed the respondents to pass appropriate orders.

6. The District Collector through a communication made during July 2021, directed the Block Development Officer, to conduct an enquiry and to give his report. Accordingly, the BDO informed the District Collector that out of the 16 vacancies, only six persons were found to be eligible and the remaining 10 persons were found ineligible. Immediately, on receipt of this report, the BDO has sent a report to the District Collector informing that there are 26 houses that remains to be allotted and out of the same, six persons have been identified to be eligible and for the remaining 20 houses, a notification will have to be issued to identify the eligible persons and to hand over the houses to them.

7. Since this process was not taking a final shape, the present writ petition has been filed before this Court, seeking for appropriate directions.

8. The learned counsel appearing on behalf of the 3rd respondent submitted that the BDO has already sent a report to the District Collector and the District Collector will issue a fresh notification insofar as the remaining 20 houses are concerned. On receipt of the same, it is left open to the District Collector to either issue a fresh notification or to resend the recommendation made by the BDO and in any case, the six persons who are found to be eligible will be handed over with the constructed houses and the balance 20 houses will be allotted to eligible persons as expeditiously as possible.



9. In view of the specific stand taken by the learned counsel appearing on behalf of the 3rd respondent, there shall be a direction to the 1st respondent viz., the District Collector to take a decision and to ensure the completion of the entire process of allotment of the remaining 20 houses, within in a period of three months from the date of receipt of copy of this order. Insofar as the 6 houses for which the eligible persons have already been identified, a decision shall be taken for allotting the houses, within a period of four weeks from the date of receipt of copy of this order.

10. This writ petition is disposed of with the above directions. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Chengalpattu District,
Chengalpattu - 603 305.
2. The Tahsildar,
Cheyyur Taluk,
Cheyyur,
Chengalpattu - 603 302.
3. The Block Development Officer,
(Lathur) Pavinjur,
Cheyyur Taluk,
Chengalpattu - 603 302.

+1CC to Government Pleader, Sr.No.39425/2021

+1CC to M/s.Dev Arulprakash, Advocate, Sr.No.39174/2021

W.P No.16461 of 2021

SR (CO)

K.RK. (01.09.2021)