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IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 15.12.2021
CORAM
THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN
W.P.No.17986 of 2021
and
W.M.P.No.19223 of 2021

Varalakshmi

... Petitioner

Vs

1. The District Collector,
The District Collector Office,
Thiruvannamalai District - 632 401.
2. The Superintendent of Police,
O/o. The Superintendent of Police,
Thiruvannamalai District.
3. The Special Thasildhar,
The Department of AdiDravidar Welfare,
Chengam Taluk,
Thiruvannamalai District.
4. The District Officer,
The Department of AdiDravidar & Tribes Welfare,
Thiruvannamalai District.
5. The Village President,
Keelanaikkarai Village,
Thiruvannamalai District.
6. The Village Administrative Officer (VAO),
Village Administrative Office,
Keelanaikkarai Village,
Thiruvannamalai District.
7. Muthulakshmi
8. Amudha

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 14.12.2020 and further direct the third respondent to give Patta in petitioner's name for her house in Survey No.29/1A, Land Piece No.119, Irular Colony, Keelanaikkarai Village, Ramanashwaram Post, Thiruvannamalai Taluk & District.



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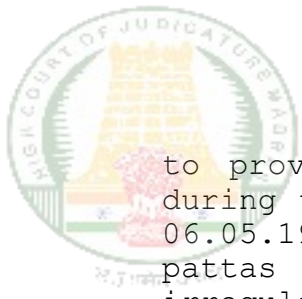
For Petitioner : Mr.S.Silambu Selvan
For Respondents : Mr.A.M.Ayyadurai
Government Advocate (for R1 to R6)
: Mr.A.Raja Mohamed (for R7)
: Mr.R.Abdul Mubeen (for R8)

ORDER

This writ petition is filed to issue a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 14.12.2020 and further direct the third respondent to give Patta in the name of the petitioner for her house comprised in Survey No.29/1A, Land Piece No.119 situated at Irular Colony, Keelanaikkarai Village, Ramanashwaram Post, Thiruvannamalai Taluk & District.

2. The land comprised in S.No.29/1A, Land Piece No.119 situated in Keelanaikkarai Village, Ramanashwaram Post, Thiruvannamalai Taluk & District, was originally allotted by the Government of Tamil Nadu in favour of one Unnamalai in the year 1997. Thereafter, he had given Power of Attorney to one Karuppan and he had executed sale deed in favour of the petitioner on 28.01.2008. Thereafter, the petitioner had put up a hut and living there with her family members. The petitioner also obtained electricity service connection and also the property was assessed to tax. While that being so, the eighth respondent filed a Writ Petition before this Court in W.P.No.11016 of 2021 seeking police protection for constructing her house in the property comprised in S.Nos.29/1A, 32/2B, New S.No.29/103, Patta No.537 ad-measuring an extent of 856 sq.ft. This Court, by order dated 30.04.2021, directed the Inspector of Police, Thiruvannamalai Taluk Police Station to conduct enquiry on the eighth respondent's complaint dated 21.07.2020 and remove the encroachers from the subject land and restore the disputed portion and handed it over to the eighth respondent, so that, for what purpose the land was allotted to the eighth respondent, can be utilized. If any force of restraint is shown while removing the encroachment, appropriate action will be taken against those encroachers. Whereas, according to the petitioner, originally the subject property was allotted to the said Unnamalai in the year 1997 and after a period of ten years, the petitioner purchased the same in the year 2008 and had put up a hut over there. Therefore, the petitioner applied for patta before the respondents/competent authority.

3. The third respondent filed counter affidavit, from which it reveals that, the properties comprised in S.Nos.29/1A and 31/2B, ad-measuring an extent of 3.65 acres situated at Keelanaikkarai Village, Tiruvannamalai Taluk, have been acquired



to provide free house-site patta to 'Irular' community people during the year 1996. Initially, 95 persons were issued patta on 06.05.1997. Subsequently, 24 house-sites have been plotted and pattas have been granted to them. However, there were irregularities in the grant of patta to the above noted 24 persons and the patta issued to them have been cancelled by the Revenue Divisional Officer, Tiruvannamalai dated 10.06.2014. One among 24 persons is the said Unnamalai, to whom house-site Plot No.119 was assigned and sold in favour of the petitioner herein. After cancellation of the patta, the said house-site was allotted in favour of the eighth respondent on 20.08.2015 as Plot No.106.

4. Therefore, the assignment of the patta was duly cancelled by order dated 10.06.2014 and aggrieved by the same, the said Unnamalai did not prefer any appeal. The petitioner herein had purchased the said plot from the said Unnamalai and as such, she is not entitled for patta for the subject property. Hence, this Writ Petition is devoid of merits.

5. In view of the above, this Writ Petition is dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
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2. The Superintendent of Police,
O/o. The Superintendent of Police,
Thiruvannamalai District.
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The Department of AdiDravidar Welfare,
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4. The District Officer,
The Department of AdiDravidar & Tribes Welfare,
Thiruvannamalai District.



5. The Village President,
Keelanaikkarai Village,
Thiruvannamalai District.

6. The Village Administrative Officer (VAO),
Village Administrative Office,
Keelanaikkarai Village,
Thiruvannamalai District.

+1cc to Mr.S.Silambu Selvan, Advocate, S.R.No.67201
+1cc to Mr.R.Abdul Mubeen, Advocate, S.R.No.67311
+1cc to Mr.A.Raja Mohamed, Advocate, S.R.No.67310
+1cc to the Government Pleader, S.R.No.67957

W.P.No.17986 of 2021

KSM(CO)
CT 06/01/2022