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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.NO.22797 OF 2021

Karumalai

..Petitioner

Vs

1. The District Collector,
Salem.
2. The District Revenue Officer,
Salem.
3. The Revenue Divisional Officer,
Mettur, Salem District.
4. The Tahsildar,
Kadayampatty, Salem District.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to pass appropriate orders upon the petitioner's representation dated 19.7.2021 within the specific period of time fixed by this Hon'ble Court.

For the Petitioner : Mr.T.Ganesan

For the Respondents : Mr.P.Muthukumar
State Government Pleader



ORDER

(Order of the Court was made by Hon'ble Chief Justice)

The petitioner complains of the petitioner's requests, the latest being on July 19, 2021, not being considered by the respondent authorities for the purpose of issuing patta in respect of government poramboke land to homeless citizens for them to construct their houses.

2. The matter complained of essentially lies within the domain of policy. It is for the executive authorities to decide how and in what manner land would be allotted to the homeless or how encroachers without any shelter may be rehabilitated elsewhere.

3. Since the petitioner claims to belong to a scheduled caste and represents that the petitioner does not have any land or asset and refers to 75 other families residing in and around Thathaiyampatty Village in Omalur Taluk of Salem District to be similarly situated, the petitioner is permitted to make a fresh, detailed representation to the District Collector, Salem within a period of four weeks from date. The District Collector, in consultation with the appropriate Town and Country Planning authorities, will take positive steps to introduce a scheme which may result in the landless and the homeless, particularly belonging to the backward social strata, to be allocated housing in an appropriate manner. The matter should receive the attention of the highest executive authorities, so that a comprehensive plan can be taken in respect of every district and certain cut-off parameters indicated.

4. As far as the land at which the petitioner demands that the petitioner and other similarly placed persons be settled, it must be said that the petitioner can have no manner of say in the choice of land for that falls within the exclusive purview of the executive to decide where the landless or the homeless may be accommodated. It is also recorded that the land in question that the petitioner demands has already been earmarked for a school.

5. Mr.P.Muthukumar, learned Government Pleader, takes notice on behalf of the respondents and submits that following the petitioner's representation, the matter has been put up by



the concerned Tahsildar before the District Collector for considering the petitioner's appeal to provide land or home to the petitioner and to other similarly situated persons.

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6. W.P.No.22797 of 2021 is disposed of with the hope that a comprehensive policy in such regard would be formulated by the State within the next six months with temporary and permanent accommodation sites indicated to take care of the landless and the homeless in the State. There should be a district-level identification of sites and a detailed road-map prepared for such purpose.

There will be no order as to costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

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To

1. The District Collector,
Salem.
2. The District Revenue Officer,
Salem.
3. The Revenue Divisional Officer,
Mettur, Salem District.
4. The Tahsildar,
Kadayampatty, Salem District.

+1cc to the Government Pleader, High Court, Chennai,
S.R.No.55433

W.P.No.22797 of 2021

SJ(CO)
RLP(10/11/2021)