

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 05.02.2021
CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. Nos. 26520 to 26523 of 2017
and
W.M.P. No.38063 to 38066 of 2017

Revathy ... Petitioner in W.P. No.26520 of 2017
Chandira Lekha ... Petitioner in W.P. No.26521 of 2017
Sasikala ... Petitioner in W.P. No.26522 of 2017
Sulochana ... Petitioner in W.P. No.26523 of 2017

Vs

1.The District Collector,
Salem District,
Salem.
2.The District Revenue Officer,
Attur, Salem District.
3.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare Office,
Attur, Salem District.
... Respondents in all petitions

Writ Petitions 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 17.07.2017 and consequently direct the respondents not to cancel the petitioner plot bearing Nos.101, 102, 105 & 106 in Survey No.278/8 to the extent of 0.02 cents situated at M.G.R. Nagar, Anaiyampatti Village and Post, Gengavalli Taluk, Salem District.

For Petitioner : Mr. E.Kannadasan
(in all petitions)

For Respondents : Mrs. A.Madhumathi
(in all petitions) Special Government Pleader

C O M M O N O R D E R

These Writ Petitions are filed for the issuance of the
<https://hcservices.ecourts.gov.in/hcservices/>
Writ of Mandamus directing the respondents to consider the

representations of the petitioners in the respective Writ Petitions requesting the respondents not to cancel the patta granted in favour of the petitioners and not to evict the petitioners from the housing colony.

2. The petitioners in the respective petitions states that they belong to Scheduled Caste community. It is stated that the petitioners obtained free house site patta in respect of a small piece of land. Though the petitioners were given patta along with others the apprehension of the petitioners is that the respondents have initiated proceedings for cancellation of patta. Hence, representations were made by the petitioners requesting the respondents not to cancel the patta granted in favour of the petitioners. Since the representations were not considered, the present Writ Petitions are filed.

3. Learned Special Government Pleader appearing for the respondents, on instructions, submitted that the patta granted in favour of the petitioners was cancelled after holding an enquiry. It is submitted that the petitioners were given house site patta in respect of parcels of land which was reserved for public purpose in the layout. Since it was found that the house site patta granted to the petitioners cannot be assigned in favour of the petitioners as it was reserved for public purpose in the layout, it is stated that the proceedings were initiated for cancellation of patta and that patta issued in favour of the petitioners were also cancelled. Learned Special Government Pleader further submitted that the prayer for issuing Writ of Mandamus to consider the representations of the petitioners cannot be granted since the petitioners' request had already been considered and that patta issued in favour of the petitioners were also cancelled.

4. Recording the statements of facts submitted by the learned Special Government Pleader, this Court is not inclined to entertain this Writ Petition. However, the petitioners are at liberty to challenge the order cancelling the patta in favour of the petitioners. In case the order of cancellation of patta is yet to be communicated to the respective petitioners, the respondents shall serve a copy of the order cancelling patta to the individual petitioner by registered post or by courier within a period of three weeks from the date of receipt of a copy of this order. It is stated that the petitioners have put up constructions in the small plots for which they got patta. However, this Court is not inclined to give any protection to the petitioners merely because they have put up constructions. In the layout, reservation of common area for public purpose cannot be dispensed with. Even if the petitioners have put up constructions, the patta cannot be restored in favour of the petitioner by no means. However, petitioners may be accommodated if they are really eligible as beneficiary of any scheme. If there is a possibility of reserving any other area for public purpose, the respondents

may consider the representations of the petitioners without compromising the larger public interest.

5. With the above observations and directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The District Collector,
Salem District,
Salem.
- 2.The District Revenue Officer,
Attur, Salem District.
- 3.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare Office,
Attur, Salem District.

+4ccs to Mr.E.Kannadasan, Advocate SR.No. 6630
+1 cc to Government Pleader Sr.No. 6670

W.P. Nos. 26520 to 26523 of 2017

A.SK(24.03.2021)

सत्यमेव जयते
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