



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 07.12.2021
CORAM

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

WEB COPY

W.P. (MD).Nos. 12641 of 2018 and 16962 of 2021
and
W.M.P.(MD) No. 11542 of 2018

W.P. (MD).Nos. 12641 of 2018

1. S. Solaimalai
2. Pandi
3. Palanisamy
4. Amaravathy
5. Balu
6. Mahalingam
7. Dhanaseeli
8. Pandi
9. Ramasamy
10. Thilagavathi
11. Seeniammal

... Petitioners

Vs.

1. The District Collector,
Madurai District,
Madurai.
2. The Special Tahsildar (Land Acquisition)
Adi Dravidar Welfare, Alagu- I,
Madurai,
Madurai District.
3. Tmt. Mariammal,
4. T. Kaleeswari
5. A. Jayaraj
6. G. Packiyalakshmi
7. Dhanusa
8. P. Challamani
9. A. Lavanya
10. R. Latha
11. V. Mahalakshmi
12. K. Muthu
13. Kamala Devi
14. M. Paneerselvam
15. S. Vadivel
16. M. Dhanasekar
17. N. Gandhi



18. Vijayal
19. Praveen Kumar
20. M. Muthulakshmi
21. P. Balachandar
22. R. Dhanuskodi
23. A. Ramesh Kannan
24. K. Ramalingam
25. M. Mohan
26. N. Ramesh
27. A. Sukumaran
28. K. Jothi Basu
29. S. Mallika
30. C. Sivasakthi
31. K. Chandrasekar
32. N. Jayakumar
33. A. Murugan
34. G. Savithiri
35. C. Pandiamman
36. M.A.S. Rajesh
37. K. Kavitha
38. K. Ragupathi
39. M. Panchavarnam
40. M. Manimekalai
41. M. Ramkumar

...Respondents

Prayer : Petition filed under Article 226 of Constitution of India for the issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned Free House Site Patta order issued in Na.Ka.No.135/17/A dated 24.03.2017 by the second respondent to the respondents 3 to 41 for the land bearing S.No.345/1A and 339/4A situated at Madakulam Village, Madurai District and quash the same and consequentially directing the second respondent to re-issue Free House Site patta for the aforesaid and to pass orders.

For Petitioners : Mr. R. Murugappan

For Respondents : Mr. C. Mayilvahana Rajendran
for RR3 to R7, R13, R15, to R18, R20,
R25, R30, R32, R34, R36 to R40

W.P. (MD).No. 16962 of 2021

M. Panneerselvam

...Petitioner

vs

1. The Chief Engineer, (Distribution)
TNEB
K. Pudur, Madurai -7.



2. The Executive Engineer,
TNEB
Madurai West, Arasaradi,
Madurai -16.

3. The Tahsildhar, (Ni.A)
Adidraavidar Welfare Unit- 1,
Madurai 20.

4. The Assistant Engineer,
TNEB
Palanganatha, Madurai- 625 003.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India for the issuance of a writ of mandamus, directing the first, second and fourth respondents to give new electricity connection to the petitioners constructing house in the Plot No. 170 in Survey No.339/4A, 345 in Madakulam village, Madurai South Taluk, Madurai based on the third respondents no objection certificate in Na.Ka.No.558/12A dated 30.07.2021 by fixing a fixed time framed by this court and pass orders.

For Petitioner : Mr. R. Ramasamy

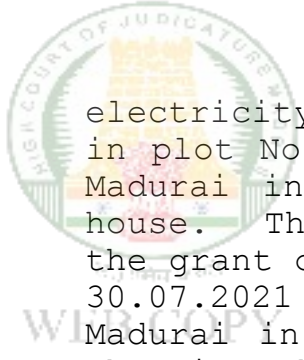
For Respondents : Mr. S.M.S. Johnny Basha
for R1, R2 and R4
Mr. J. John Rajadurai
Government Advocate
For R3

COMMON ORDER

Heard learned counsel for the writ petitioners in both the writ petitions and also the learned counsel for the respondents.

2. The writ petitioners in W.P.(MD) No. 12641 of 2018 have filed writ petition in the nature of certiorarified mandamus seeking interference with free house site patta order issued in Na.Ka.No. 135/17 A dated 24.03.2017, by the second respondent/Special Tahsildar Land Acquisition Adi Dravidar Welfare, Madurai for the lands bearing Survey Nos. 345/1A and 339/4 A at Madakulam Village, Madurai District and to quash the same. They also seek a further direction against the second respondent to re-issue free house site patta for the petitioners in the said writ petition.

3. The writ petitioner in W.P. (MD) No. 16962 of 2021 is a beneficiary of such grant of free house site patta and the writ petition has been filed in the nature of a mandamus seeking direction against the first, second and fourth respondents namely



electricity connection to the petitioners with respect to the house in plot No. 170 in Survey No.339/4 A and 345 in Madakulam Village, Madurai in which petitioner is in the process of constructing a house. The petitioner also claims that he has also benefitted by the grant of a no objection certificate in Na.Ka.No. 558/12/A dated 30.07.2021 given by the third respondent in Madakulam Village, in Madurai in S.No. 339/4/A and 345 and more particularly in 345/1A, wherein substantial area of land had been allotted for the welfare of Adi Dravida people and the said land had been sub divided into plots and there was a direction given by the third respondent herein to allot plots to those who are eligible for benefit from such a claim.

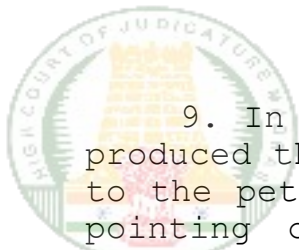
4. Naturally the scheme involves various conditions. In normal circumstances, the scheme involves conditions to build a construction within a certain period from the date of allotment. There is also another condition which is inbuilt, namely, there should be no conveyance or transaction with respect to the said plot by the assignee.

5. Petitioners in W.P (MD) No. 12641 of 2018 were originally allotted such plots. In that manner totally 177 beneficiaries had been allotted plots. They were all expected to put up construction and they were all under compulsion not to deal with the plots allotted to each one of them for a particular period of time.

6. The common respondent in both the the writ petitions namely the Tahsildar, Adi Dravida Welfare in Madurai for reasons best known had cancelled the allotment of 11 such individuals. This has led to the filing of W.P. (MD) No. 12641 of 2018. My attention is drawn to the impugned order which is dated 24.03.2017.

7. In the affidavit filed in support of the said writ petition, the writ petitioners have stated that the impugned order questioned in that particular writ petition, has to be interfered with by this court, since it has been in the nature of allotment of house site patta overlooking the fact that the writ petitioners have already been allotted house site patta and that allotment has not been cancelled or rather even if cancelled, the petitioners had not been put on notice and not been heard and their objections have not been taken into consideration and further that such cancellation notices or orders have not at all been served on the petitioners.

8. The petitioners therefore claim total ignorance of any order of cancellation. He claims that he is innocent of such orders of cancellation. Therefore he seek indulgence from this court. It is seen from the records that it is necessary that prior to grant of house site pattas to fresh individuals, it is only imperative that allottees who already have the benefit should have been put on notice and their views should have been heard.



9. In view of that particular stand, since no records have been produced that notices were actually served, I would grant permission to the petitioners herein to give a representation to the Collector pointing out that the allotments in their names have not been interfered and cancelled in manner known to law and that they should also be heard prior to any further order being passed.

10. If a representation is given by the petitioners in W.P. (MD) No. 12641 of 2013 to the District Collector, Madurai, an obligation is placed on the District Collector to examine the entire records relating to the original allotment and also relating to cancellation of any allotment and if there is an order cancelling allotment, also examine whether the allottees had been put on notice, whether their objections have been received, whether they have been considered and whether opportunity had been granted to them. On the basis of such examination, the District Collector may pass necessary orders with respect to the order of Tahsildar granting allotment which is impugned in W.P.(MD)No.12641 of 2013. Needless to point out the Collector has every power to interfere with the order passed by his Subordinate official, but again only after ensuring that it had not been passed in manner known to law without following principles of natural justice. I therefore dispose of W.P(MD) No.12641 of 2018 on the aforesaid terms and throw the onus on the District Collector to re-examine the entire file and I would also call upon the petitioners to give a comprehensive representation to the District Collector. If the petitioners give a comprehensive representation, then the District Collector after following due procedure may pass orders on such representation within a period of 16 weeks from the date of receipt of such representation, which representation should also enclose the order now passed.

11. With respect to W.P.(MD) No.16962 of 2021, the petitioners therein claims benefit of an order of allotment and also claim benefit of no objection certificates issued by the third respondent/Tahsildar, Adi Daravia Welfare. The petitioners have commenced putting up a construction and now seek electricity connection. A direction is given to the first, second and fourth respondents to examine the case of the petitioners herein and obtain necessary indemnity bond from the petitioners herein that grant of any service connection will not tantamount to grant of title to the petitioners but rather it is only a temporary measure granted to the petitioners and that, if at all the allotment of the plot is interfered with by any order, then the service connection would also suffer the same order. However, a direction is issued to the first, second and fourth respondents to provide electricity connection after obtaining an indemnity bond and also after ensuring that the petitioners had been allotted with the plots in accordance with the rules.

12. Learned counsel for the petitioners stated that no objection certificates have also been issued by the third respondent. Going to the third respondent for obtaining a further



to post and I would avoid putting them to such difficulty. The no objection certificates already available would be sufficient for the first, second and fourth respondents to grant electricity service connection subject to conditions as stated quite apart from the normal conditions imposed.

13. With the said directions, given to the first, second and fourth respondents, the writ petitions are disposed of. The first, second and fourth respondents may comply with grant of electricity service connection within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (T&P)

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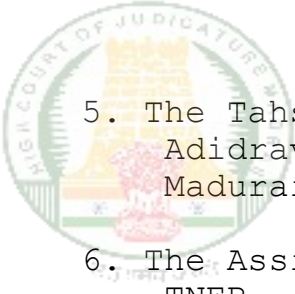
Sub Assistant Registrar(CS)

mnr

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1. The District Collector,
Madurai District,
Madurai.
2. The Special Tahsildar (Land Acquisition)
Adi Dravidar Welfare, Alagu- I,
Madurai,
Madurai District.
3. The Chief Engineer, (Distribution)
TNEB
K. Pudur, Madurai -7.
4. The Executive Engineer,
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Madurai West, Arasaradi,
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5. The Tahsildhar, (Ni.A)
Adidraavidar Welfare Unit- 1,
Madurai 20.

6. The Assistant Engineer,
TNEB
Palanganatha,
Madurai - 625 003.

+1 CC to M/s.C.MAYIL VAHANA RAJENDRAN, Advocate (SR-37732[F] dated 08/12/2021)

+1 CC to M/s.R.MURUGAPPAN, Advocate (SR-37713[F] dated 08/12/2021)
W.P. (MD).Nos. 12641 and 16962 of 2018
and
W.M.P.(MD) No. 11542 of 2018
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MGJ(30.12.2021) 7P 9C