



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.01.2022

C O R A M

THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.P.No.11594 of 2018
and
W.M.P.No.13566 of 2018

Chandran

...Petitioner

Vs

1. The Chief Secretary,
Government of Puducherry,
Puducherry State.

2. The Director,
Adhi Dravidar Welfare Department,
Puducherry,
Puducherry State.

... Respondents

Prayer Writ Petition filed under Section 226 of the Constitution of India, prayed for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 09.04.2018 in accordance with law and direct the respondents to permit the petitioner to live peacefully in his free house allotted by the respondents on 01.06.2015 House Site No.11 at Pillaiyarkuppam, Kirumapkkam Post, Puducherry State to secure the ends of justice.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.C.T.Ramesh
Addl.Government Pleader
(Puducherry)

ORDER

This Writ Petition has been filed, for the issuance of Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 09.04.2018 in accordance with law and direct the respondents to permit the petitioner to live peacefully in his free house allotted by the respondents on 01.06.2015 House Site No.11 at Pillaiyarkuppam, Kirumapkkam Post, Puducherry State to secure the ends of justice.



2. According to the petitioner, a house site was allotted to him during June, 2015, by the Adhi Dravidar Welfare Department/the second respondent herein and the petitioner was in possession of the house site since 02.04.2015. However, all of the sudden, the second respondent issued a show cause notice dated 16.03.2018, to the petitioner stating that the petitioner is not eligible for the allotment of house as per the Rules and Regulations, therefore, the same was cancelled. The petitioner raised his objection through his representation dated 09.04.2018. However, the same was not considered by the second respondent. Hence, the present Writ Petition has been filed.

3. In a similar set of facts, this Court passed the following order in W.P.No.3253 of 2018 etc., batch.

"7. It is seen from the records that the orders of allotment made in favour of the petitioners came to be cancelled on various grounds such as (i) the petitioners have suppressed the material particulars relating to their employment, source of livelihood etc., (ii) the petitioners or their family members such as father, mother, sister or brother already own house site or housing plots in their name and therefore, the petitioner is not entitled for free house site allotment as per the scheme (iii) the housing units allotted to the petitioners are occupied by some third parties and most of the petitioners are not in possession of the houses allotted to them (iv) the petitioner or his/her spouse is working in various Departments of the Government or Government Undertakings, while so, such petitioner is not entitled for assignment of free house site. The third respondent, having noticed such violations, issued a show cause notice to the petitioners and called upon them to submit their explanation as to why the orders of assignment issued to them be not cancelled.

8. To the show cause notices issued by the third respondent, the petitioners have submitted their explanation repudiating the various allegations



10. In such view of the matter, the orders of cancellation passed by the third respondent, which are impugned in these writ petitions, are set aside and the writ petitions are disposed of with the following directions:-



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5. In the result, this Writ Petition is disposed of. No Costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

rst

To

1. The Chief Secretary,
Government of Puducherry,
Puducherry State.
2. The Director,
Adhi Dravidar Welfare Department,
Puducherry, Puducherry State.

Copy to

Chandran,
S/o.Ramalingam, No.21,
Ooral Kulam Street,
Kirumapakkam Post,
Bahour Commune, Puducherry State,
Puducherry - 607 402.

+1cc to the Government Pleader, S.R.No.3895

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and
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PL[co]
NSK 11/02/2022