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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.23610 OF 2021
W.M.P.NOS.24799 & 24852 OF 2021

1. R.Kowsalya
2. S.Anitha
3. R.Indharni
4. Gomathi
5. S.Sumithra
6. Thulasimani
7. Chithra
8. Devi
9. Jeeva
10. Selvanayaki
11. M.Mahalakshmi
12. Sundari
13. Thangamani
14. Malarvizhi
15. Sarika
16. Usha
17. Rukmani
18. Vani
19. M.Mageswari
20. Priya
21. K.Mageswari
22. Backiyalakshmi
23. Velumani
24. Bannari
25. M.Samundeeswari
26. N.Sandhiya
27. Pushpalatha
28. Mariyammal
29. Vishnupriya
30. C.Kaliammal
31. Vennila
32. Sarashwathi
33. Sudha
34. D.Kavitha
35. Rani
36. Sasikala
37. Gandhimathi
38. Vaitheeswari

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39. Jothimani
40. Ambika
41. R.Priya
42. Vasanthamani
43. Bhamavathi

... Petitioners

-Vs-

1. The District Collector,
   Collectorate,
   Coimbatore District,
   Coimbatore – 641 018.

2. The District Adi Dravidar and
   Tribal Welfare Officer,
   Coimbatore District,
   Collectorate,
   Coimbatore – 641 018.

3. The District Revenue Officer,
   Coimbatore District,
   Coimbatore,
   Coimbatore – 641 018.

4. The Revenue Divisional Officer,
   Coimbatore (North)
   Coimbatore.

5. The Special Tahsildar,
   (Adi-Dravidar & Tribal Welfare)
   Coimbatore District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, to call for the entire records connected with the impugned order passed by the second respondent in Na.Ka.8178/1998/Ka8 dated 08.10.2021 and quash the same.

For Petitioners : Mr.K.Thilageswaran

For Respondents : Mr.P.Balathandayutham
Special Government Pleader

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ORDER

The Writ Petition has been filed to call for the entire records connected with the impugned order passed by the second respondent in Na.Ka.8178/1988/Ka8 dated 08.10.2021 and quash the same.

2. The case of the petitioners is that all the petitioners are in poor socio-economic status and they were provided each two cents of vacant lands for housing from the land acquired for Adi-dravidar people by the proceeding of the second respondent. The said land was originally alloted to other beneficiaries on 01.11.1999 and 14.06.2002. Since they have not occupied and utilized the said land for more than 20 years the said allotments were cancelled by the proceeding of the second respondent dated 25.02.2021. Thereafter, the petitioners were issued free housing patta by the fifth respondent by an order dated 25.02.2021, in respect of the land comprised in S.F.No.452/1, 427/1A2 situated at Karamadai Village, Mettupalayam Taluk, Coimbatore District. In the said allotment, there is a clause as per which, within a period of six months from the date of the said allotment of the house site, the beneficiaries shall be made upon roofed or tiled or cement house have to be constructed and if the allottees were failed to do so, their allotment would be cancelled. Some of the beneficiaries were raised loan and put up small houses as per the condition stipulated in the said assignment order.

3. However, on the complaint lodged by the third person, the petitioners were called upon for enquiry, which held on 21.09.2021 in respect of their allotment. All the allottees including the petitioners were attended the enquiry and submitted the proof to show that they are the most deserving and eligible persons for the said allotments and the same was allotted after due enquiry. However, without considering the said explanation, the entire allotments have been cancelled by the second respondent by the impugned order dated 08.10.2021. Therefore, the petitioners filed the present Writ Petition with the above said prayer.

4. The learned counsel appearing for the petitioners submitted that after due enquiry, all the petitioners were found that they are landless and house less poor and they were allotted their respective house plots. On the complaint lodged by the politically influenced persons, without giving individual notice to the petitioners and without conducting any enquiry from the individuals, only to satisfy the others, the entire allotments have been cancelled. In fact, some of the petitioners have complied the conditions imposed in the assignment order,

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thereby put up their residential houses. The State and Central Governments are repeatedly giving assurance of affordable housing for weaker sections and therefore, the allotement of the petitioners cannot be cancelled and it is against the government policy.

5. The learned Special Government Pleader appearing for the respondents filed counter of the fifth respondent and submitted that the dry lands comprised in S.F.No.427/1 (part) to an extent of 3.29 acres and in S.F.No.452/1 to an extent of 0.21 acres situated at Karamadai Village, Mettupalayam Taluk, Coimbatore District, were acquired for the purpose of providing house site patta to the poor house less Adidravidar people of the Karamadai Village, during the year 1998. After acquisition, the said lands are laid out and divided into house site and 62 free house site patta were issued on 08.11.1999 and thereafter 38 free house site patta were issued on 10.08.2002.

6. However, all the beneficiaries are violated the conditions and hence their free house site patta were cancelled by an order dated 21.01.2021 by the second respondent. Thereafter, the fifth respondent had sent proposal for issuance of HSD pattas to 91 beneficiaries on 23.02.2021. Based on the said proposal, the second respondent issued house site patta to the petitioners. However, on the receipt of the complaint from the public, the first respondent directed the fourth respondent to conduct enquiry and send detailed report. Accordingly, the fourth respondent conducted enquiry after issuance of notice to all the allottees, including the petitioners and submitted report dated 05.10.2021 stating that out of 91 persons only 19 persons are eligible for free house site patta and recommended to cancel the remaining 71 house site pattas as they are ineligible beneficiaries.

7. Heard Mr.K.Thilageswaran, learned counsel appearing for the petitioners, and Mr.P.Balathandayutham, learned Special Government Pleader appearing for the respondents.

8. On perusal of the report submitted by the fourth respondent dated 05.10.2021, the fourth respondent issued notice to all the beneficiaries including the petitioners on individually. On receipt of the same, the beneficiaries attended the enquiry and submitted their statements. During the enquiry, it revealed that one of the beneficiaries had own house in Ambedkar Nagar, Karamadai. Forty beneficiaries are having house by inheritance or joint family. Eight beneficiaries are having own house and one of the beneficiaries exceeds the income and as such they are not eligible for free house site patta. Further, one of the beneficiaries even after receipt of three summons did not attend the enquiry and eight beneficiaries are not residing

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in the address mentioned, as such they are not eligible for free house site patta. One of the beneficiaries, who residing at S.F.No.2 Bhodhan land in 4, Veerapandi Village North Taluk, is not regularized. Further eight beneficiaries are residing in other taluks and they are having own house. Four beneficiaries are residing in own house in reserved site in S.F.300/2.

9. Accordingly, totally 72 beneficiaries are not eligible and they are not entitled to grant free house site patta. It is also seen that the petitioners Nos.15,22,23,26,27 & 39 are alone eligible to receive free house site patta under the scheme and other petitioners are not eligible as beneficiaries under the scheme. That apart, the second respondent in his order stated that on the occasion of eligible persons apply for house site, a committee consisting of the respondents 2, 4 & 5 will be formed and after proper enquiry, the free house site patta will be issued to the eligible candidate after following the guidelines.

10. In view of the above, insofar as the petitioners Nos.15, 22, 23, 26, 27 & 39 viz., Sarika, W/o.Dineshkumar, Backiyalakshmi W/o.Ponnusamy, Velumani, W/o.Vijay, N.Sandhiya, W/o.Nagaraj, Pushpalatha, W/o.Manogaran & Jothimani, W/o.Moorthy are concerned, the impugned order is set aside, since they are eligible persons as per the report submitted by the fourth respondent dated 05.10.2021. The second respondent is directed to issue patta in favour of the petitioners Nos.15, 22, 23, 26, 27 & 39, within a period of four weeks from the date of receipt of a copy of this Order. Except the above petitioners, in respect of the other petitioners are concerned, the Writ Petition is devoid of merits and is liable to be dismissed. However, the petitioners, who already constructed their respective houses in the allotted house site, are at liberty to approach the second respondent for issuance free house site patta. On receipt of the same, the second respondent is directed to consider their case and pass orders on merits and in accordance with law. Accordingly, the Writ Petition stands dismissed in respect of the petitioners, except the petitioners Nos. 15, 22, 23, 26, 27 & 39.

11. In the result, the Writ Petition stands partly allowed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

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   Collectorate,
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4. The Revenue Divisional Officer,
   Coimbatore (North)
   Coimbatore.

5. The Special Tahsildar,
   (Adi-Dravidar & Tribal Welfare)
   Coimbatore District.

+1cc to M/s.K.Thilageswaran, Advocate, S.R.No.7068

+1cc to the Government Pleader, S.R.No.7429

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W.M.P.Nos.24799 & 24852 of 2021

SRA(CO)
RLP(23/02/2022)

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