



W.P.No.25674 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.25674 of 2022
and W.M.P.Nos.24702 & 24704 of 2022

M.Selvam

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep. by the Principal Secretary,
Revenue Department,
Secretariat, Fort St.George, chennai – 9.
- 2.The District Collector,
The Office of District Collector,
Chengalpattu District.
- 3.The Assistant Director,
The District Survey and Land Records Department,
Collector Office, Chengalpattu District.
- 4.The Block Development Officer,
(Village Panchayath),
Thiruporur Taluk Office,
Thiruporur Taluk,
Chengalpattu District.
- 5.The Tahsildar,
The Taluk Office,
Thiruporur Taluk, Chengalpattu District.



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6.The Village Administrative Officer,
The Office of Village Officer,
Pattipulam Village, Thiruporur Taluk,
Chengalpattu District.

7.C.Balakrishnan

8.C.Ganeshan

9.Govindammal

10.S.Karthik

11.V.Raja

12.G.Sivanatham

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for records and quash the proceedings of the second respondent Na.Ka.No.6174/2021/A4 dated 08.07.2022 and cancel the illegal allotment of house under Prime Minister Awas Yojana (PMAY) Scheme allotted to the 11th respondent by the 4th respondent, an ineligible beneficiary in petitioner's property an extent of .03 cents comprised in survey number 217/2 number 52, Pattikulam Village in joint Patta number 169.

For Petitioner : M/s.P.Uma

For Respondents 1 to 6 : Mr.U.Bharanidharan,



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Additional Government Pleader

ORDER

By consent of both the parties, this writ petition is taken up for final disposal at the time of admission stage itself.

2. Since no adverse order is being passed against the respondents 7 to 12, notice to respondents 7 to 12 is dispensed with.

3. This writ petition has been filed seeking for issuance of Writ of Certiorarified Mandamus, calling for records and quash the proceedings of the second respondent Na.Ka.No.6174/2021/A4 dated 08.07.2022 and cancel the illegal allotment of house under Prime Minister Awas Yojana (PMAY) Scheme allotted to the 11th respondent by the 4th respondent, an ineligible beneficiary in petitioner's property an extent of .03 cents comprised in survey number 217/2 number 52, Pattikulam Village in joint Patta number 169.



4. The case of the petitioner is that the petitioner is residing in 4 cents of Natham Poramboke land in Survey No.206/4 – 0.02.5 and Survey No.219/2C – 0.01.5 Pattipulam Village, Thiruporur Taluk. The property in Survey No.217/2, Pattipulam /village with an extent of 12 cents is adjacent to the petitioner's 4 cent of land and the petitioner has purchased 3 cents out of aforesaid 12 cents. Apart from the petitioner, the remaining 12 cent was purchased by another two persons. Thereafter, the petitioner submitted an application before the official respondents for measuring and demarcating the boundaries of 3 cents, however, till date, no action was taken. This being the case, petitioner's 3 cents property in S.No.217/2 was illegally allotted in favour of 11th respondent under PMAY Scheme by the 3rd respondent. Aggrieved over the same, the petitioner filed a writ petition in W.P.No.14505 of 2020 and this Court directed the 2nd respondent herein to conduct an enquiry. However, no enquiry was conducted. Therefore, the petitioner filed a Contempt Petition in Cont.P.No.521 of 2022 and the same was closed on 12.02.2021. Thereafter, the respondent passed an impugned order and refused to measure the property and declined to grant patta in favour of the petitioner. Challenging the same, the present writ petition is filed.



5. Learned counsel for the petitioner submitted that it is purely a property dispute between the petitioner and the private respondents and it has to be decided only before the Competent Civil Court. Hence, this Court, without going into the merits of the case, may dispose of this writ petition by granting liberty to the petitioner to work out the remedy before the Competent Civil Court and issue direction to the Competent Civil Court to decide the issue without being influenced by any of the observations made in the impugned order passed by the Revenue Officials.

6. Heard the learned counsel for the petitioner and perused the materials available on record.

7. Considering the limited relief now sought for by the learned counsel for the petitioner, this Court, without expressing any of the opinion on the merits of the case, grants liberty to the petitioner to work out the remedy before the Competent Civil Court by filing appropriate petition within a period of two months from the date of receipt of a copy of this order and this Court further directs the Competent Civil Court to decide the issue, without



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being influenced by any of the observations made in the second respondent's proceedings dated 08.07.2022 in Na.Ka.6174/2021/A4 and pass appropriate orders as expeditiously as possible.

8. With the above observations, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes/No

Speaking Order : Yes/No



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M.DHANDAPANI,J.

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