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W.P.No.30392 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

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1.Lakshmi
2.Revathi
3.Selpa
4.Rani
5.Malliga
6.Lakshmi
7.Muniammal
8.Lakshmi
9.Saraswathi
10.Saratha
11.Krishnammal
12.Malliga

... Petitioners

Vs.

1. The District Collector,
Dharmapuri – 636 705,

2.The Most Backward Class Officer,
Collectorate Post,
Dharmapuri – 636 705.

3.The Special Tahsildar,
Adi Dravida Welfare Department,
Dharmapuri – 636 705.



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4. The Tahsildar,
Taluk Office,
Dharmapuri – 636 705.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to demarcate and fix boundaries of the respective petitioners' patta/ plot and other beneficiaries in Vellegoundanpalayam Village, Dharmapuri Town and District within the period stipulated by this Court.

For Petitioners : Mr.V.R.Annagandhi

For Respondents : Mr.U.Bharanidharan for RR1, 2 & 4
Additional Government Advocate

: Mr.M.Muthusamy for R3
Government Advocate

ORDER

The petitioners have filed this writ petition seeking issuance of a Writ of Mandamus, to direct the respondents to demarcate and fix boundaries of the respective petitioners' patta/ plot and other beneficiaries in Vellegoundanpalayam Village, Dharmapuri Town and District within a stipulated time.



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2. The case of the petitioners is that they belong to Most Back Ward

Community and under the Welfare measures of the State Government, the Department of Most Back Ward Community people had issued free house site patta, who are not having any house site on their own. Pursuant to which, the 3rd respondent being the Statutory Authority, granted free house site patta to all the petitioners including 252 landless poor belonging to Most Back Ward Community, bearing S.F.No.478, 479 measuring to an extent of 3.91.0 Hectares in Vellegoundenpalayam Village, Dharmapuri District. Though free house site assignment was given in the year 2007, the entire land has not been surveyed, measure and the house sites have not been demarcated by the respondents. There was no proper approval layout copy attached with assignment order. While that being the case, one of the land owner namely Rukumani Soundarajan filed Writ Petition in W.P.No.1081 of 2010 and other land owners namely Samundeeswari Sekar and others had filed Writ Petition in W.P.No.28271 of 2018 before this Court and the same was dismissed by a common order dated 10.11.2021. Aggrieved over the said order, Rukumani Soundarajan preferred an appeal in W.A.No.272 of 2022 before this Court and the same was dismissed on 16.02.2022. Thereafter, husband of the 2nd



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petitioner gave representations dated 14.07.2021 and 28.02.2022 respectively to the respondents seeking to identify and demarcate the plots allotted to 252 beneficiaries. Since, there was no response from the respondents, therefore, the petitioner gave a representation dated 22.08.2022 to the respondents seeking for the request stated supra. Based upon the said request, the Assistant Director of Survey issued communication to the Special Tahsildar, ADW, Dharmapuri to take necessary action. Till date, no action has been taken and hence, the petitioner has filed this present Writ Petition.

3. The learned counsel for the petitioners submits that it would suffice if this Court issues direction to the respondents to demarcate and fix boundaries of the respective petitioners' patta/ plot, bearing S.F.No.478, 479 measuring to an extent of 3.91.0 Hectares and other beneficiaries in Vellegoundanpalayam Village, Dharmapuri Town and District and pass orders on the same within a particular time frame fixed by this Court.

4. Mr.U.Bharanidharan, the learned Additional Government Pleader for the respondents 1, 2 and 4 and Mr.M.Muthusamy, learned Government



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Advocate appearing for the 3rd respondent submits in unison that if any direction is given by this Court, the same will be complied with.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case directs the respondents to consider the petitioners' request to demarcate and fix boundaries of the respective petitioners' patta/ plot, bearing S.F.No.478, 479 measuring to an extent of 3.91.0 Hectares, on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This Writ Petition is accordingly disposed of. No costs.

16.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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M.DHANDAPANI,J.

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