



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.11.2022

CORAM:

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**W.P.No.22757 of 2017andW.M.P.Nos.23876 and 23877 of 2017andW.M.P.no.8483 of 2018

1. M. Kesavan
2. D. Jayaseela
3. G. Sankar
4. G. Hemalatha
5. J. Geetha
6. G. Kavitha
7. Kantha
8. Mrs. Saroja
9. Visalam
10. Vennila
11. Vinnarasi
12. Valliyammal
13. Rita



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15. Indhira

16. Gopi

17. Kanthammal

18. Seethammal

19. Sumathi

20. S. Ramkrishnan

21. Nirmala

22. Ramadass

23. Ramani Bai

24. Maragadamani

... Petitioners

Vs.

1. The Principal Secretary to Government
Adi Dravidar & Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, St. Fort George,
Chennai – 600 009.

2. The District Collector,
Vellore District, Vellore.

3. The District Adi-Dravidar Welfare Officer,
Vellore, Vellore District.



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3 The Special Tasildhar,
Adidraavidar Welfare, Walaja, Vellore District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in proceeding bearing No.Na.Ka.Kay.11.43572/2006 dated 31.10.2016 and quash the same and consequently direct the respondents to restore the patta already issued to the petitioners during the year 2008 and provide sufficient infrastructure facilities and pass orders.

For Petitioner
For Respondents

: Mr/ S. Udaya Kumar
: Mr.M. Muthusamy
Government Advocate

ORDER

This writ petition is filed seeking for issuance of a Writ of Certiorarified Mandamus, calling for the records of the second respondent in proceeding bearing No.Na.Ka.Kay.11.43572/2006 dated 31.10.2016 and quash the same and consequently direct the respondents to restore the patta already issued to the petitioners during the year 2008 and provide sufficient



infrastructure facilities.

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2. The case of the petitioner is that the petitioner are house less poor and they approached the fourth respondent for housing patta and one G. Kudiarsu a social worker in the Arakonam Town made arrangement to get the free house site patta and finally obtained free house site patta in Survey No.35/2B,2C 3 ad 4 to an extent of 3.83 acres for 103 persons. However the second respondent vide proceedings dated 31.10.2016 in Na.Kay.No.11/43572/2006 cancelled the free house site patta. Aggrieved over the same the petitioner has come up with this writ petition.

3. The learned counsel for the petitioner submits that the impugned order passed by the second respondent is clear violation of principles of Natural Justice and he further submits that the impugned order has been passed without providing an opportunity of hearing to the petitioner. Hence prays this Court for appropriate orders.

4. Per contra on instructions the learned Government Advocate submits that the impugned proceedings is passed after conducting an enquiry and the petitioner also participated in the enquiry conducted by the



fourth respondent.

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5. Heard the learned counsel for the petitioner and the learned Government Advocate.

6. Admittedly the facts of the case is not in dispute. The 4th respondent had granted free house site patta and in Survey No.35/2B,2C 3 ad 4 to an extent of 3.83 acres in Arakonam Taluk for 103 persons and the same was canceled by the second respondent vide proceedings dated 31.10.2016 in Na.Kay.No.11/43572/2006. On perusal of records this Court finds that the free house site patta was granted based on the recommendations made by one G. Kudiarsu that the said persons are house less poor. However, in the impugned order it has been stated that a general enquiry has been conducted by the concerned Village Administrative Officer and Special Tahsildar and they submitted a report that free house site patta was not granted to eligible persons . Based on the said report the impugned order came to be passed. However opportunity of personal hearing was not granted to the aggrieved parties.



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7. In view of the fact that an opportunity of personal hearing was not granted to the persons to whom the free house site patta was granted the order passed by the second respondent/District Collector in Na.Ka.Kay.11.43572/2006 dated 31.10.2016 is set aside and the matter is remanded back to the second respondent to conduct an enquiry afresh after providing opportunity to the petitioner as well as aggrieved parties and pass orders within a period of twelve weeks from the date of receipt of a copy of this order. This Court further directs the second respondent that if the enquiry report reveals that if the free house patta was granted to eligible persons the same shall be granted.

8. With the aforesaid directions, this writ petition is disposed of. No costs. Consequently the connected miscellaneous petitions are closed.

09.11.2022

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



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To

1. The Principal Secretary to Government
Adi Dravidar & Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat, St. Fort George,
Chennai – 600 009.
2. The District Collector,
Vellore District, Vellore.
3. The District Adi-Dravidar Welfare Officer,
Vellore, Vellore District.
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M.DHANDAPANI, J.

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