



W.P(MD).No.14126 of 2013

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.14126 of 2013

and

M.P(MD) Nos. 3 and 4 of 2013

and

W.M.P(MD) No.9925 of 2016

1. Vasuki
2. Devi
3. Samiathal
4. Selvi
5. P.Deivanai
6. K.Revathi

... Petitioners

Vs.

- 1.The District Collector,
Karur District,
Karur.
2. The Special Tahsildar,
Adi Dravidar Welfare Department,
Kulithalai,
Karur District.
3. A.Lakshmi
4. Kalaiarasi
5. Saraswathi
6. Baby
7. Malliga



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8. Latha
9. Sasikala
10. Sivakami
11. Murugeswari
12. Venkatesh

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned beneficiary's list furnished by the second respondent herein dated 13.05.2013 by his proceedings in Na.Ka.A1/202/2013 and quash the same so far as respondents 3 to 12 are concerned and consequently direct the second respondent herein to re-allot the beneficiary's list by including the petitioners' name as per their applications dated 18.06.2009, 22.08.2011 and 21.11.2011 respectively.

For Petitioners : Mr.S.Gokulraj

For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader
(for R1 and R2)
: Mr.P.Athimoolapandian
(for - R6)

ORDER

The present Writ Petition has been filed challenging the communication issued by the second respondent/Special Tahsildar, Adi Dravidar Welfare Department, Kulithalai, Karur District, dated 13.05.2013



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by his proceedings in Na.Ka.A1/202/2013 seeking to quash the same so far as the respondents 3 to 12 are concerned and direct the second respondent herein to re-allot to the beneficiary's list by including the petitioners' name pursuant to their respective applications.

2. The case of the petitioners is that they are all residents of Kamatchipuram Arijana Colony, Chinnadharapuram, Aravakurichi Taluk, Karur District. According to the petitioners, the State Government has announced Scheme for providing free house site pattas by way of assignment to the Schedule Caste peoples living in their own village. Pursuant to the said Scheme, the petitioners also have made applications before the appropriate authority. While that being so, it came to the knowledge of the petitioners that various in-eligible persons have been issued by orders of assignment. Hence, they have made applications under the Right to Information Act and the said list was furnished to the petitioners on 13.05.2013. On going through the list, it was found that most of the beneficiaries did belong to the village and they are ineligible persons, namely, they were either holding valuable lands and persons belonging to the same family were also allotted lands. During the pendency of the Writ



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Petition in the year 2016, on coming to know that there have been irregularities in the grant of assignment, various show cause notices have been issued to various beneficiaries. Notices have been issued to the respondents 3 to 12 calling upon them as to why the assignment granted in their favour should not be cancelled. The said respondents in spite of receipt of the show cause notice, have not yet replied.

3. The learned Special Government Pleader appearing for the respondents 1 and 2 submitted that since the *status quo* order has been granted in this Writ Petition. They have not proceeded any further and that subject to the result in this Writ Petition, they will proceed further.

4. At the outset, the issuance of show cause notice by the respondents calling upon the beneficiaries who had obtained assignment by misrepresenting or by making false representation would itself substantiate the claim of the petitioners of some irregularities in the grant of assignment. Hence, without dwelling upon the issue any further, this Court directs the second respondent to cause follow-up with the show cause notice already issued to the respective parties and pass appropriate orders within a period



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of six (6) weeks from the date of receipt of a copy of this order, after hearing the respective parties. If the second respondent comes to the conclusion that there has been irregularity, he shall redraw the list of beneficiaries in accordance with the prevailing Board Standing Orders. The applications of the petitioners shall also be considered if they are eligible for grant of assignment in accordance with law.

5. With the above said direction, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

19.12.2022

Index : Yes / No
Internet : Yes / No
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To

1. The District Collector,
Karur District,
Karur.
2. The Special Tahsildar,
Adi Dravidar Welfare Department,
Kulithalai, Karur District.

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K.KUMARESH BABU, J.

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Order made in
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