



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.10.2022
CORAM

THE HONOURABLE Mrs. JUSTICE V. BHAVANI SUBBAROYAN

WEB COPY

Writ Petition (MD) No.21922 of 2022

P.Thangaraj

.. Petitioner

Versus

1.The District Collector,
Virudhunagar District,
Virudhunagar.

2.The District Revenue Officer,
O/o., the District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
O/o., The Revenue Divisional Officer,
Virudhunagar District, Virudhunagar.

4.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

.. Respondents

Prayer :- Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the fourth respondent to issue patta in the name of the petitioner for the house property in Plot No.37 situated at Kambikkudi Village, Kariyapatti Taluk, Virudhunagar District and based on his representation dated 25.05.2022.

For Petitioner : Mr.G.Thalaimutharasu

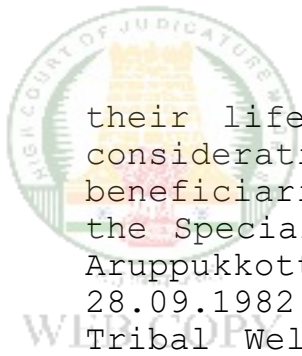
For Respondents : Mr.C.Satheesh

Government Advocate

ORDER

The petitioner has filed this Writ Petition seeking for issuance of a Writ of Mandamus, directing the fourth respondent to issue patta in the name of the petitioner for the house property in Plot No.37 situated at Kambikkudi Village, Kariyapatti Taluk, Virudhunagar District based on his representation dated 25.05.2022.

2.The learned counsel for the petitioner submitted that the petitioner, who is the senior citizen, and his wife are residing at 1/102, South Street, Kambikkudi Village, Kariyapatti Taluk, Virudhunagar District. They have one son and three daughters and the daughters are married and living separately. The petitioner and his wife are doing agricultural work and thereby, they are leading



their life and they are under below poverty line. Tak to consideration of their poverty, the petitioner and five other beneficiaries were issued with free house patta in the year 1982 by the Special Tahsildar, Adi Dravidar and Tribal Welfare Department, Aruppukkottai, vide proceedings in Ni.Mu.1689/1982, dated 28.09.1982 under the Scheme of Tamil Nadu State Adi Dravidar and Tribal Welfare Department. It is relevant to extract the same hereunder:-

Sl. No.	Name of the beneficiary	Extent	Plot No.
1.	Chinna Karuppan, S/o.Periyampillai	0.03 cents	36
2.	Murugandi, S/o.Aandi.	0.03 cents	37
3.	Krishnan, S/o.Karuppanan.	0.03 cents	38
4.	Thangaraj, S/o.Periyampillai	0.03 cents	39
5.	Samuthiram, S/o.Veerapathiran	0.03 cents	40
6.	Devaki, D/o.Arumugam.	0.03 cents	41

3. The learned counsel for the petitioner further submitted that the beneficiaries of the Scheme including the petitioner are illiterate and uneducated persons. Hence, they could not find the exact plot allotted to them and they have used the plots wrongly. Likewise, the petitioner is residing in the house site belonged to other beneficiary. Except Samuthiram and Devaki, all the beneficiaries are residing in the plots, which were originally allotted to other beneficiaries and also constructed houses in the plots respectively. When they came to know that the fault committed by them, they approached the Special Tahsildar and Revenue Divisional Officer to rectify the same. The fault committed by the petitioner and other beneficiaries is neither wilful nor wanton, but only due to their illiteracy. Hence, they have decided to change patta in respect of the plots, in which they are now residing by constructing houses. They approached the authority so many times, but they have not come forward to take any steps to rectify the error committed by them. Finally, they approached then Adi Dravidar Welfare Minister, namely, Mrs.Rajalakshmi and submitted a petition. Based on that petition, the Special Tahsildar, Arupukkottai, after scrutinizing the petition submitted by them, directed the concerned Revenue Officials to issue patta to the house property, in which the petitioner and other beneficiaries are now residing.



4.It is an admitted fact that the petitioner has constructed a house in Plot No.37, which was allotted to one Murugandi and requested the respondents to change patta in the name of the petitioner in respect of Plot No.37. In this regard, the petitioner sent a representation dated 25.05.2022 to the respondents to issue patta for the house in plot No.37, where he is residing as of now. Since the respondents have not taken any steps, the petitioner has filed this petition with the aforesaid prayer.

5.The learned Government Advocate would submit that the lands were allotted to six beneficiaries including the petitioner under the aforesaid Scheme, but they were not demarcated. As such, the petitioner has got confused to find out the land, which was originally allotted to him. Then, he has chosen the plot on his own, where house has also been constructed. In order to facilitate it, patta would be issued by rectifying the allotment order by the concerned authorities within a time frame.

6.Considering the facts and circumstances of the case, the respondents are directed to consider the representation of the petitioner, dated 25.05.2022 and rectify the mistakes committed by the petitioner and other beneficiaries by issuing patta in respect of the plots, where the petitioner and other beneficiaries are occupying and residing as of now. Such an exercise shall be completed within a period of sixteen weeks from the date of receipt of a copy of this order.

7.With the above directions, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (C.O)

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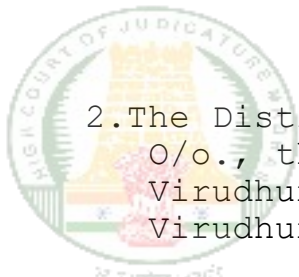
/11/2022

Sub Assistant Registrar (CS)

Rmk

To

1.The District Collector,
Virudhunagar District,
Virudhunagar.



2.The District Revenue Officer,
O/o., the District Revenue Officer,
Virudhunagar District,
Virudhunagar.

3.The Revenue Divisional Officer,
O/o., The Revenue Divisional Officer,
Virudhunagar District, Virudhunagar.

4.The Tahsildar,
Kariyapatti Taluk,
Virudhunagar District.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-49726[F] dated
14/10/2022)

+1 CC to M/s.SPL.GP (SR-49882[F] dated 17/10/2022)

W.P. (MD) No.21922 of 2022
14.10.2022

AMS (03.11.2022) 4P 7C