



W.P(MD)No.23756

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P(MD)No.23756 of 2022

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... Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Dindigul District.

2.The Revenue Divisional officer,
Office of the Revenue Divisional Office,
Dindigul,
Dindigul District.

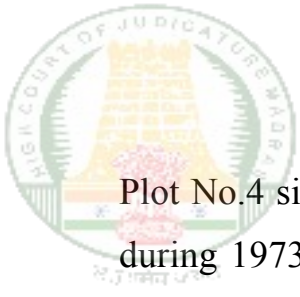
3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Adi Dravidar Welfare Unit No.1
West Taluk Office,
Dindigul,
Dindigul District.

4.The Tahsildar,
Aathoor Taluk Office,
Dindigul District.

5.Balumani

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to cancel the name of Palumani in respect of the property comprised in S.Nos.325-A, 326-A/3



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Plot No.4 situated at Seval Saragu Revenue Village, Athoor Taluk, Dindigul District during 1973 and restore the name of Balasubramani on the basis of the petitioner's representation, dated 03.09.2022 within the time stipulated by this Court.

For Petitioner	: Mr.B.Jameel Arasu
For R1 to R4	: Mr.A.Kannan Additional Government Pleader
For R5	: No appearance

ORDER

The petitioner has prayed for issuance of a Writ of Mandamus, directing the respondents herein to cancel the name of Palumani in respect of the property comprised in S.Nos.325-A, 326-A/3 Plot No.4 situated at Seval Saragu Revenue Village, Athoor Taluk, Dindigul District during 1973 and restore the name of Balasubramani on the basis of the petitioner's representation, dated 03.09.2022 within the time stipulated by this Court.

2.Heard Mr.B.Jameel Arasu, learned counsel appearing for the petitioner and Mr.A.Kannan, learned Additional Government Pleader appearing for the respondents 1 to 4.

3.The learned counsel for the petitioner would submit that the petitioner belong to Adi Dravidar Community and also permanent resident of the above said



address. The petitioner's husband, namely, Balasubramani belong to Adi Dravidar Community and he was given the assignment patta under the Adi Dravidar Community beneficiary more fully the property comprised in Survey Nos.325-A, 326-A/3 Plot No.4 situated at Seeval Saragu Revenue Village, Athoor Taluk, Dindigul District during 1973. Thereafter, he has constructed house and he is in possession and enjoyment of the same. The petitioner's husband died on 26.12.2004. After the death of her husband, she verifying the revenue records in respect of of the assigned patta lands, to my shock and surprise, she noticed that the assigned patta in favour of her husband has been illegally got transferred in the name of one Balumani, who is the brother of her husband. On coming to know of the said illegal transfer of patta in respect of their property, she requested the respondents herein to provide necessary details in respect of change of name in respect of the property standing in her husband's name. She could not able to get the details. Hence, the petitioner has sent a representation to the respondents on 03.09.2022 requesting to furnish the details of which transfer of her property and requested to cancel the same and restore her husband's name in respect of the above said assigned patta property and furnish a copy of such patta to him. But the respondents, so far, did not take any action.

4.The third respondent filed counter and states that the property in survey Nos. 325-A, 326-A/3 Plot No.4 situated at Seevalsaragu Revenue Village, Athoor Taluk,



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Dindigu District was acquired by the department for issuance of free patta's to eligible Adi Dravidar people in the year 1973. As such the said property was identified and divided into 25 parts measuring about 5 cents each. The entire property was divided into 45 house plots and landless unemployed Adi Dravidar families were identified and 45 persons were shortlisted for the same, subsequently, the same was accepted by the District Adi Dravidar Welfare Officer and proposal was also submitted to the District Collector, Madurai. Originally, plot No.6 in the said housing plot was allotted in the name of the petitioner's husband Balasubramani, S/o.Chinnakaalai. But at the time of issuance of patta, the said Balasubramani was employed in bank and he became ineligible to grant of free house site patta. Hence, in the year 1981 patta was issued in the name of Balumani, who is also a family member of Balasubramanian and son of Chinnakaalai, is a physically challenged person. At the time of issuance of patta in the year 1981 enquiry was made in respect of the eligibility of the beneficiaries. Since there was some ineligible persons were found pattas were issued to the eligible persons.

5. He would further states that the claim of the petitioner in respect of Plot No. 4 was never allotted to the petitioner's husband at any point of time. Further, the present house, where the petitioner is living is a house owned by them in Sempatti, Aathoor Taluk and she never lived or had any house in the Adi Dravidar Colony in Jeeval Saragu Village. The petitioner also well known that the patta was issued in



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the name of Balumani in the year 1981 and further the said Balumani constructed a house. In respect of 45 persons, patta were issued only in the year 1981 by the same authority. As per the proceedings of the District Harijan Welfare Officer, dated 11.09.1980, the pattas issued to the 25 persons in the year 1973 were cancelled and the land was divided into 45 house sites and issued to the beneficiaries with the consent of then District Collector, Madurai. The said issuance of patta was carried out in the year 1981 I.e., while the property lies in Old Madurai District, then in the year 1985, Dindigul District was bifurcated and comes under Dindigul Taluk and presently in Aathoor Taluk. For the past 40 years, there was no dispute arisen in the said pattas. As far as the claim of the petitioner, based on the patta submitted by her, her claim cannot be entertained as the patta copy submitted by the petitioner is constant to plot No.7 issued to Chinnakaalai, S/o.Alagan and not in the name of Balasubramani S/o.Chinnakaalai.

6. He further stated that the pattas issued in the year 1973 by the department to an extent of 5 cents were cancelled. The fifth respondent Balumani is physically challenged person and also a member of the Balasubramanian family as per records patta was issued in the year 1981 in his name and he is in possession and enjoyment of the same along with his mother and family. As per the records available in their office, though the name of Balasubramani was included in the beneficiaries, no patta was issued in his name. All the above issued were happened in the year 1981 when



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the petitioner was about 12 years old. Patta was issued to the fifth respondent on 18.08.1981 along with other 44 beneficiaries in respect of Plot No.6 about 3 cents of land. The claim of the petitioner is not based on any records and she averred Plot No.4 in one place and produced another person's patta in respect of Plot No.7.

7. In view of the above facts, the claim made by the petitioner cannot be accepted and the same has to be rejected as the petitioner has not produced any document to show that the patta being assigned in favour of the petitioner's husband.

8. Accordingly, the writ petition stands dismissed with liberty to the petitioner to approach the concerned authorities in the manner known to law. No costs.

Index : Yes/No
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V.BHAVANI SUBBAROYAN, J.

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