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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2022

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN
and
THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.(MD)No.22235 of 2017
and
W.M.P.(MD)Nos.18527 of 2017 &
1591, 7152 & 7885 of 2018

M.Ganapathy .. Petitioner

Versus

1.The District Collector,
Ramnad District,
Ramanad.

2.The Revenue Divisional Officer,
Ramnad District.

3.The Special Tahsildar,
(Adi Dravidar Welfare),
Muthukulathur Taluk,
Ramnad District.

4.The District Adi Dravidar and
Tribal Welfare Officer,
Ramnad District, Ramnad.

5.V.Muniyandi
6.Ramu
7.Jegadeesan
8.M.Gouthaman
9.Ramalakshmi .. Respondents

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the proceedings of the impugned order in Na.Ka.No.A/434/2016, dated 21.03.2017 on the file of the third respondent and quash the same.

For Petitioner : Mr.G.Prabhu Rajadurai

For Respondents : Mr.Veerakathiravan, AAG assisted by
Mr.S.P.Maharajan, Spl.Govt.Pleader for R1 to R4
Mr.M.Venkatesan for R5
No appearance for R6
Mr.G.Rajendran for R7
Mr.S.Prakesh for R8

O R D E R

(Order of the Court was made by **R. MAHADEVAN, J.)**

Challenging the proceedings of the third respondent in Na.Ka.No.A/434/2016 dated 21.03.2017, the petitioner has instituted this writ petition as a public interest litigation to quash the same.

2. According to the petitioner, prior to 1991, the Government had acquired approximately 3 hectares and 78 ares of land in S.Nos.79/4, 79/5 and 130/1A, 1B and 1C of Keezhakkodumalur Village, Muthukulathur Taluk, Ramanathapuram District, for the purpose of providing house sites to the landless adi dravidar people. They had prepared a layout comprising of more than 186 plots each measuring either 3 or 2 cents. The said layout further provides for a land measuring about 43.5 ares for communal purpose. By order dated 02.06.1990, the said layout was approved by the

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respondents 1 to 3. Thereafter, the plots were allotted to 186 beneficiaries with a condition that they should put up their houses within a period of one year. However, constructions have not been made in the allotted plots, as the Government did not take any further step to clear the land and put up the boundary stone, so as to enable the allottees to occupy their respective plots and that, the land was in the outskirt of village, etc. Particularly, the fifth and sixth respondents, who are the husband and wife, were given separate pattas in respect of their plot nos.27 and 52 respectively. Furthermore, the mother of the fifth respondent by name, Chellammal, was also given allotted a plot bearing no.51.

3. The petitioner further alleged that the fifth respondent being an influential person, collected a sum of Rs.2,500/- each from the villagers with an assurance to provide them house site pattas. Thereafter, he approached the fourth respondent and requested to cancel the pattas issued by the third respondent, on the premise that the beneficiaries have not constructed houses within a period of one year. By order dated 23.02.2017, the third respondent cancelled the pattas granted to the 186 pattadars including the respondents 5 and 6, without issuing any notice to them.

4. It is also stated by the petitioner that thereafter, the fifth respondent by exercising his influence, obtained allotment of patta to about 179 persons by the order of the third respondent dated 21.03.2017, in which, the respondents 5 and 6 were again allotted house sites bearing plot nos.25 and 28 respectively. The

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respondents 7 and 8, who are the sons of the fifth respondent, were allotted plot nos. 26 and 29 respectively. That apart, the sister, brother and other relatives of the fifth respondent were also allotted house sites and all these plots are lying in the place, which is reserved for communal purpose. Therefore, the petitioner filed a representation dated 12.06.2017 to the respondent authorities and thereafter, WP.(MD)No.11753 of 2017, which was disposed of, by order dated 27.06.2017 directing the respondent authorities to dispose of the said representation and take appropriate action. However, till date, no action has been taken on the same. While so, the petitioner came to know that the respondent authorities have attempted to handover the physical possession of the plots allotted to the respondents 5 to 9. Therefore, this writ petition.

5. Upon notice, the third respondent filed a counter affidavit *inter alia* stating that all the 186 beneficiaries had not constructed houses in the plots originally allotted to them, which is in violation of the assignment condition and the house sites had remained unused for over 20 years and hence, the first respondent by proceedings dated 26.05.2016, ordered that the unused house sites be reverted back to the government. Pursuant to the same, pattas issued to 186 beneficiaries were cancelled and the land was resumed to the Government. Subsequently, applications were called for from the eligible houseless Adi Dravidar beneficiaries and a revised layout was prepared and thereafter, free house site pattas were issued to 179 beneficiaries by the proceedings of the third respondent dated 21.03.2017. It is further stated therein

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that pursuant to the order of this court dated 27.06.2017 in W.P. (MD) No.11753 of 2017, the respondent authorities have taken steps to conduct enquiry and the same is pending.

6. It is the stand of the seventh respondent that by order dated 21.03.2017, he was allotted the house site bearing No.26, but possession was not given. Therefore, Writ Petition No.19813 of 2017 came to be filed, seeking a direction to the respondents to conduct survey in respect of assignment of plots Nos.26, 52, 96 in the acquired lands in S.Nos.79/4, 79/5 & 130/1A, 1B & 1C in Keelakodumalur Village, Muthukulathur Taluk, Tamanathapuram District. By order dated 27.10.2017, the said writ petition came to be allowed, by directing the third respondent to take steps to conduct survey and hand over the physical possession of the assigned land to the beneficiaries within a period of twelve weeks. However, the said process is pending, due to filing of this writ petition by the petitioner.

7. On 05.12.2017, when the matter was taken up for consideration, this court has granted an order of interim stay.

8. Upon hearing the submissions made by the learned counsel appearing for all the parties and considering the documents available on record, it could be seen that the original allotment of the subject land to 186 beneficiaries was cancelled on the ground of violation of assignment condition and thereafter, the said land was allotted

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to 179 beneficiaries including the fifth respondent and his relatives, by the third respondent by order dated 21.03.2017, which is under challenge herein. However, till date, possession has not been given to those beneficiaries. At this juncture, the learned Additional Advocate General appearing for the respondent authorities, on instructions, submitted that for various reasons, the allotments in favour of the individuals came to be cancelled twice and there is no further allotment, except one M.Jagadeesan S/o.Muniyandi. He further submitted that those individuals have not been arrayed as parties to this writ petition.

9. Such being the present scenario, this Court is of the opinion that nothing survives for further adjudication in this writ petition. Therefore, while recording the above submissions of the learned Additional Advocate General, the respondent authorities are directed to serve a copy of the order cancelling the allotments given to the beneficiaries by the proceedings of the third respondent dated 21.03.2017, which is impugned herein, to all the parties concerned.

10. This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D., J.] [J.S.N.P., J.]
29.11.2022

Speaking Order : Yes.
Internet : Yes.
Index : Yes.
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