



W.P.No.11932 of 2015 and Crl.O.P.No.2163 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.04.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.11932 of 2015
and M.P.No.1 of 2015 and W.M.P.No.3801 of 2016
and
Crl.O.P.No.2163 of 2016

W.P.No.11932 of 2015:-

N.Balamurugan

... Petitioner

-Vs-

1. The Collector,
Villupuram District,
Villupuram.

2. The Special Tahsildar,
Adi Dravidar Welfare,
Villupuram.

3. The Secretary to Government of Tamil Nadu,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai.

... Respondents



W.P.No.11932 of 2015 and CrI.O.P.No.2163 of 2016

WEB COPY **CrI.O.P.No.2163 of 2016:-**

N.Balamurugan

... Petitioner

-Vs-

1. The Secretary to Government,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai.
2. The District Collector,
Villupuram District,
Villupuram.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Villupuram.
4. The Superintendent of Police,
Villupuram District,
Villupuram.
5. The Inspector of Police,
B-6, Kandamangalam Police Station,
Villupuram District.
6. R.Saraswathy
7. P.Velvizhi
8. K.Dhanalakshmi
9. S.Kaaliammal
10. K.Mariammal
11. J.Chandra

... Respondents



W.P.No.11932 of 2015 and Crl.O.P.No.2163 of 2016

Prayer in W.P.No.11932 of 2015:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the first respondent to include the petitioner name in the scheme of free house site patta for Washerman (Dobhi) and Nakuliyars (Barber) Community and to allot the free house site patta forthwith in favour of the petitioner as per the scheme.

Prayer in Crl.O.P.No.2163 of 2016:- Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the fourth respondent, The Superintendent of Police, Villupuram District and the fifth respondent, The Inspector of Police, B-6, Kandamangalam Police Station not to indulge in any civil dispute in respect of Survey No.85/2 at Kandamangalam, Villupuram District.

In W.P.No.11932 of 2015

For Petitioner : Mrs.G.P.Arivuchudar
for M/s Law Square
For Respondents
R1 to R3 : M/s V.Yamunadevi
Special Government Pleader.
R4 : No appearance

In Crl.O.P.No.2163 of 2016

For Petitioner : Mrs.G.P.Arivuchudar
for M/s Law Square
For Respondents
R1 to R5 : Mr.S.Rajakumar
Additional Public Prosecutor.



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COMMON ORDER

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The Writ Petition in W.P.No.11932 of 2015 has been filed for the issuance of Writ of Mandamus, directing the first respondent to include the petitioner name in the scheme of free house site patta for Washerman (Dobhi) and Nakuliyars (Barber) Community and to allot the free house site patta forthwith in favour of the petitioner as per the scheme.

2. The petitioner belongs to Kandamangalam Village of Villupuram District and he belongs to Nakuliyars (Barber) community. In order to ameliorate the livelihood of Washerman (Dobhi) and Nakuliyars (Barber) community, Government of Tamil Nadu had introduced a scheme for providing free house sites for the downtrodden people belonging to Washerman (Dobhi) and Nakuliyars (Barber) community of Kandamangalam Panchayat, Villupuram District. The Government also initiated land acquisition proceedings for the said purpose in front of Kandamangalam Government School to an area of 0.82.0 acres comprised in Survey No.83/2. However, the second respondent in W.P.No.11932 of 2015 had provided free house site patta to 38 persons ad-measuring 0.03 cents on 19.06.2014 leaving the



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petitioner. Therefore, the petitioner submitted representations to the first respondent in W.P.No.11932 of 2015 and the same were not considered. The petitioner contended that the second respondent failed to identify the correct eligible candidates and allotted free house sites to ineligible persons.

3. The learned counsel for the petitioner submitted that now the said allotment order was cancelled by the first respondent due to various reasons and as such the petitioner's applications may be considered if any scheme is available.

4. A perusal of counter filed by the second respondent in W.P.No.11932 of 2015 revealed that the State Government of Tamil Nadu, in order to provide house sites to the women belonging to dhobi and barber communities residing in Kandamangalam Village, Villupuram Taluk and District, had initiated proceedings and invoked the provisions of Land Acquisition Act and acquired 0.82.0 hectares of vacant land comprised in Survey No.85/2. The land acquisition proceeding was challenged before this Court and upheld by this Court.



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Thereafter, 38 beneficiaries were identified and they were allotted free house site patta. In order to survey the same as per their allotment, the second respondent in W.P.No.11932 of 2015, requested for police protection and the Police granted protection. It also further revealed that on the basis of the representations from various persons, questioning the liability of beneficiaries, they initiated proceedings to enquire into representations and it is pending. After the out come of enquiry, necessary action will be taken to cancel the patta, if any irregularity is found. If any cancellation of patta in favour of the beneficiaries, the application of the petitioner will be considered.

5. In view of the above stand taken by the respondents, the respondents in W.P.No.11932 of 2015 are directed to consider the application submitted by the petitioner, for allotment of free house site patta, in accordance with law, if he is eligible under the scheme, within a period of twelve weeks from the date of receipt of a copy of this order.

6. In view of the above direction, the W.P.No.11932 of 2015 is disposed of. Consequently, connected Miscellaneous petitions are closed. No costs.



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7. In view of the order passed in W.P.No.11932 of 2015,
Crl.O.P.No.2163 of 2016 is closed.

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Internet : Yes

Index : Yes/No

Speaking order/Non-speaking order
mn



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G.K.ILANTHIRAIYAN, J.

mn

To

1. The Collector,
Villupuram District,
Villupuram.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Villupuram.
3. The Secretary to Government of Tamil Nadu,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai.
4. The Superintendent of Police,
Villupuram District,
Villupuram.
5. The Inspector of Police,
B-6, Kandamangalam Police Station,
Villupuram District.
6. The Public Prosecutor,
High Court, Madras.

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and Crl.O.P.No.2163 of 2016

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