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W.P.Nos.18458, 16570 & 16571 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.01.2023

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P.Nos.18458, 16570 & 16571 of 2013
& M.P.Nos.1 & 2 of 2013 (3 Nos.)

- 1.Muniraj
- 2.Muniammal
- 3.M.Munikrishnan
- 4.Murugan
- 5.Mathiyan
- 6.Lakshmi
- 7.Easwari
- 8.Mathesh
- 9.Sivakumar

... Petitioners in W.P.Nos.18458 of 2013

- 1.Shanthi
- 2.Kaveri
- 3.Dhanam
- 4.Govindan
- 5.Rajamanickam
- 6.Venkatesan
- 7.Vediappan
- 8.Chennammal
- 9.Muniammal

... Petitioners in W.P.Nos.16570 of 2013

- 1.C.Murugesan
- 2.Geetha

... Petitioners in W.P.Nos.16571 of 2013

Vs

1. The Backward Class & Minority Welfare Officer,
Dharmapuri District,



W.P.Nos.18458, 16570 & 16571 of 2013

Dharmapuri.

2. The Village Administrative Officer,
Baisu Alli Village,
Palacode Taluk,
Dharmapuri District.

.... Respondents in all W.Ps

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the proceedings of the 1st respondent made in Na.Ka.No.108167/1994 (Y8) dated 30-05-2013 and quash the same.

In all W.Ps

For Petitioners : Mr.S.Thirumavalavan

For Respondents : Mr.M.Alagu Gowtham
Government Advocate

COMMON ORDER

The petitioners, numbering 20, in the three Writ Petitions have sought a Writ of Certiorari challenging an order passed by the Backward Class and Minority Welfare Officer, Dharmapuri/R1 dated 30.05.2013. By virtue of the impugned order, R1 seeks to cancel the assignment patta that had been originally granted by him on 09.06.1998.

2. When the matter had come up for admission on 08.07.2013, learned single Judge, being satisfied with the existence of the prima facie case, had



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granted an interim stay of operation of the impugned order in the following

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“The petitioners were granted Assignment Patta by the 1st respondent on 09.06.1998, after acquiring the property by issuing a notification on 03.07.1996 under Section 4(1) of the Land Acquisition Act. The landowners challenged the land acquisition proceedings before this Court in W.P.No.12028 of 1998. The writ petition was dismissed on 21.02.2008. Thereafter, the property was measured by the 2nd respondent and the petitioners were given possession during the year 2011. The petitioners commenced construction of residential houses after giving them possession. There was a condition vide Clause No.11, of the Assignment order that the house should be constructed within a period of three years.

2. While the petitioner were in the process of constructing their residential houses, the 1st respondent on the basis of the report submitted by the 2nd respondent cancelled the assignment on the ground that the petitioners have failed to construct the houses within a period of three years. According to the petitioners, notices were not issued before cancelling the assignment.

3. The documents now produced by the petitioners clearly indicate that the possession of the property was given only in the year 2011. The petitioners are having three years time to complete the construction of residential houses. Therefore, I am of the prima facie view that the 1st respondent was not justified in cancelling the assignments.

4. Mr. Sanjay Gandhi, learned Special Government Pleader takes notice on behalf of the respondents and seeks time to take instructions. Post on 22.07.2013 along with connected W.P.Nos. 16570 and 16571 of 2013.



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5. There shall be an order of interim stay of operation of the impugned order, in the meantime.”

3. The matter had thereafter came before me and I had passed the following order on 03.01.2023:

“Since there is a dispute on facts as to whether the petitioners as well as the other allottees of flats in all numbering 50 have actually constructed upon the flats as on date, let a status report be filed by the respondents prior to the next date of hearing.

2.The status report will also contain the details of the original number of allottees to whom possession was given, to whom pattas were issued, how many have constructed upon the plots allotted and in how many cases pattas have been cancelled as well as all other relevant details, with a copy of the Report served in advance to the petitioner counsel.

3.List on 12.01.2023.

4.Registry is directed to remove the caption 'for dismissal'.”

4. Status report dated 25.01.2023 has been filed by R1, whereunder he accedes to the position that the Writ Petitioners are eligible for house site patta and have been issued pattas under proceedings of the Dharmapuri District Collector bearing Na.Ka.No.488/2021/ya dated 15.03.2022 and 15.09.2022 as per G.O.(MS.No.34 Revenue and Disaster Management, Land Disposal Wing (LD3(1) section dated 13.01.2021 and D.O. Letter of Land Administration



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5. In such circumstances, the prayer of the petitioners stands achieved in terms of the aforesaid orders and recording this, these Writ Petitions are closed.

No costs. Connected Miscellaneous Petitions are also closed.

Sl

27.01.2023

Index : Yes / No

Speaking/Non-speaking Order

To

1. The Backward Class & Minority Welfare Officer,
Dharmapuri District,
Dharmapuri.
2. The Village Administrative Officer,
Baisu Alli Village,
Palacode Taluk,
Dharmapuri District.



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Dr.ANITA SUMANTH,J.

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