



WEB COPY



W.P.Nos.25986, 25987 & 27881 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.25986, 25987 & 27881 of 2015 and
M.P.Nos.1 & 2 of 2015

R.Selvakumar .. Petitioner in
W.P.No.25986 of 2015

D.Sangeetha .. Petitioner in
W.P.No.25987 of 2015

1. M.Shanthi
2. Rangadurai
3. Arjunanan
4. Inpasekaran
5. Sarasu
6. Radha
7. Rajeshkannan
8. Durai
9. Yuaraj
10. Murugesan
11. Mohanraj
12. Gurumurugan
13. Ilaiyaraja
14. Yellammal
15. Sumathi
16. Veerasamy

Petitioners in
W.P.No.27881 of 2015

vs

1. The State of Tamil Nadu
Rep. by its Secretary
Department of Adi-Dravidar
and Scheduled Tribes Welfare
Fort St. George, Secretariat
Chennai – 600 009.



W.P.Nos.25986, 25987 & 27881 of 2015

in all W.Ps : Mr.S.Rajanikanth
For Respondents : Mr.Abishek Moorthy
in all W.Ps : Government Advocate

COMMON ORDER

The impugned notice issued by the Special Tahsildar (Adi-Dravidar Welfare), Attur, pursuant to the directions issued by this Court in W.P.Nos.11646, 11647 & 12664 of 2006 dated 18.08.2007 is under challenge in these writ petitions.

2. The petitioners made applications for grant of free patta in respect of the Government land. The pattas were granted recently by the competent authorities, who in turn specifically found that the petitioners had already been allotted free house sites under the Government scheme and therefore, they are not entitled for the benefit on two occasions. Thus, the competent authorities cancelled the pattas and the said cancellation order has been challenged by the writ petitioners in W.P.Nos.11646, 11647 & 12664 of 2006 and this Court passed orders confirming the cancellation and subsequent to the orders passed by this Court, the present impugned notice has been issued.

3. The cancellation of patta issued by the competent authorities



were confirmed by the High Court and therefore, the petitioners are liable to be evicted from the premises, which was illegally granted to them. No writ against a notice is entertainable, unless, such notice was issued by an incompetent authority, having no jurisdiction. However, the notice was issued by the Special Tahsildar (Adi-Dravidar Welfare) pursuant to the directions issued by this Court in the writ petitions challenging the cancellation of pattas, since they were already holding pattas under the free house sites scheme of the Government.

4. That being the factum, the petitioners are not entitled for any relief as such sought for in these writ petitions and they are liable to be evicted from the premises pursuant to the impugned notice issued by the respondents on 11.07.2015.

5. In this view of the matter, the respondents are directed to evict the petitioners, by following the procedures, within a period of eight weeks from the date of receipt of a copy of this order.

6. With these directions, these writ petitions are dismissed. There will be no order as to costs. Consequently, the connected miscellaneous petitions are closed.



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Index : Yes/No
Neutral Citation : Yes/No

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To:

1. The Secretary
The State of Tamil Nadu
Department of Adi-Dravidar
and Scheduled Tribes Welfare
Fort St. George, Secretariat
Chennai – 600 009.
2. The District Collector
Salem District.
3. The District Adi-Dravidar
and Scheduled Tribes Welfare
The District Adi-Dravidar and
Scheduled Tribes Welfare Office
Salem District.
4. The Special Tahsildar
Department of Adi-Dravidar Welfare
Attur, Salem District.



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S.M. SUBRAMANIAM, J.

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