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W.P.No.31473 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.31473 of 2022

and

W.M.P.Nos.30936, 30937 of 2022 & 2306, 2308 of 2023

1.K.Chinnasamy

2.C.Rajamani

... Petitioners

Vs.

1.District Adi – Dravida and
Tribal Welfare Officer
Coimbatore – 641 018.
Coimbatore District.

2.Special Tahsildar Adi – Dravidar and
Tribal Welfare,
Coimbatore – 641 018.
Coimbatore District.

3.Revenue Divisional Officer,
Revenue Divisional Office (South)
Coimbatore – 641 018.

4.M.Deepa

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records of the impugned order passed by the 1st respondent dated 26.05.2021 vide his proceedings bearing No.Na.Ka.8929/2005/Ka 8 and quash the same and consequently direct the 3rd respondent to consider the representation of the 1st petitioner dated 11.03.2022 which was acknowledge on 17.03.2022.

For Petitioners	: Mr.S.Anand Venkatesh
For R1 to R3	: Mr.T.Arun Kumar Additional Government Pleader
For R4	: Mr.N.Manokaran

ORDER

The order of cancellation of assignment of free house site patta that are assigned made in favour of the contesting respondents 4 and others in proceedings dated 26.05.2021 by the District Adi Dravidar Tribal Welfare Officer is under challenge in the present writ petition.

2. The petitioners state that the subject property originally assigned in favour of one Mr.Karuppathaal wife of Muniyappan and the assignment was made by the Special Tahsildar, Adi Dravidar and Tribal Welfare in



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proceedings dated 15.04.2002. The original assignee Smt.Karuppathaal admittedly executed Power of Attorney on 13.07.2006 in favour of one Mr.Dhiraviyam son of Neviliappan duly registered as Document No.293/2006 on the file of the Sub Registrar Office, Peelamedu. The power agent Mr.Dhiraviyam executed sale deed on 24.07.2018 in favour of the writ petitioners for a valuable consideration. The said documents were registered as Document No.7446/2018. The petitioners state that they are in possession and enjoyment of the assigned Government lands.

3. The petitioners have mainly contended that the order of cancellation impugned was passed without affording opportunity to the petitioners and no notice was issued to them. Therefore, the order impugned is in violation of the principles of natural justice.

4. The learned Additional Government Pleader appearing on behalf of the respondent1 to 3 made a submission that it is a conditional assignment made in favour of Smt.Karuppathaal. Within the prescribed time limit the assignee failed to put up constructions and by conducting field inspection on 25.05.2021 by the Special Tahsildar a report was submitted and accordingly,



District Adi Dravidar and Tribal Welfare Officer cancelled the assignment.

When the conditions stipulated in the assignment order have been violated, the authorities conducted a field inspection and cancelled the assignment.

Thus, conducting an enquiry will be a futile exercise and more so, the assignee herself has not come forward with the defence that she had complied with the conditions imposed in the assignment.

5. The original assignee Smt.Karuppathaal is not even a party in the present writ proceedings. The petitioners claim that they purchased the subject property from the power agent of the original assignee. The power of attorney was executed by the original assignee Karuppathaal on 13.07.2006 after a lapse of four years from the date of assignment on 15.04.2015. The facts with reference to the documents would be sufficient to form an opinion that the original assignee of free house site patta violated the conditions and consequently, the authority competent resumed the Government land by cancelling the assignment.

6. The learned counsel appearing on behalf of the 4th respondent made a submission that after cancelling the assignment on the ground of violations



of conditions, the said Government land was reassigned to the beneficiaries after verifying the eligibility. The beneficiaries are now in occupation of the land and therefore, the petitioners are not entitled for the relief.

7. Revenue Standing Orders (RSO) 21 provides eligibility criteria for allotment of free house site patta. The entitlement of assignment is to be scrutinised and the assignment is made only to the homeless poor people belonging to the schedule caste community. Therefore, violation of condition would result in denial of opportunity / assignment to other eligible persons belonged to the schedule caste community. Thus, violations of conditions are to be viewed seriously by the authorities, since the lands belonging to the Government are assigned for the upliftment of the depressed class community people. Any misuse would result in an inequality and violation of the rights of other eligible persons, who all are longing to secure free house site patta from the Government.

8. The petitioners are not the original assignees. They are the purchasers purchased the assigned land from the power agent of the original assignee. Even in the sale deed executed by the power agent of the assignee in



favour of the writ petitioners, the description in the schedule remains that the assigned land is a vacant land. Thus, the original assignee has not constructed any house as per the conditions imposed in assignment for several years. The said fact is sufficient enough to form an opinion that the conditions imposed in the assignment order are violated.

9. It is brought to the notice of this Court that the subsequent beneficiaries / 4th respondent was prevented by the writ petitioners from constructing a house as per the assignment conditions. The 4th respondent filed W.P.no.23767 of 2021 and this Court directed the Police authorities to provide protection for the purpose of constructing house in the assigned lands.

10. In view of the facts and circumstances, the petitioner is not entitled for the relief and this Court do not find any infirmity in respect of the order impugned passed by the 1st respondent.



11. Accordingly, this Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Index : Yes

Speaking order

Neutral Citation : Yes

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