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W.P.Nos.21178 and 21



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.21178 and 21378 of 2023

and

W.M.P.Nos.20583, 20790 and 20792 of 2023

W.P.No.21178 of 2023

G.Saravanan

... Petitioner

Vs.

- 1.The District Collector,
Kallakurichi District,
Kallakurichi.
- 2.The Revenue Divisional Officer,
Thirukovilur,
Kallakurichi District.
- 3.The Revenue Tahsildar,
Thirukovilur Taluk,
Kallakurichi District.
- 4.The Special Tahsildar (ADW),
Office at Ulundurpet,
Thirukovilur Taluk,
Kallakurichi District.
- 5.Sandha
- 6.Anandhi
- 7.Anandhayi
- 8.Raji



- 9.Jayamala
10.Indira
11.Sakunthala
12.Anupriya
13.Deivanai
14.Muthalagi
15.Rani
16.Nithiya
17.Palaniyammal
18.Suguna
19.Vennila
20.Sinthamani
21.The Director of Vigilance and Anti-Corruption,
293, MKN Road, Collectors Nagar, Alandur,
Chennai – 600 016.
[R21 suo motu impleaded vide order dated 24.08.2023
made in W.P.No.21178 of 2023]

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pass appropriate orders on the representation dated 08.05.2023 submitted by the petitioner for cancellation of the free house site assignment issued to the ineligible beneficiaries of the lands comprised in Senganankollai Village, Ariyur – 605 751, Thirukovilur Taluk, Kallakurichi District within a time limit.

For Petitioner	: Mr.Elumalai
For R1 to R4	: Mr.T.Arun Kumar, Additional Government Pleader
For R6	: Mr.S.Senthil Kumar,
For R21	: Mr.R.Muniyappa Raj, Additional Public Prosecutor

W.P.No.21378 of 2023

Senthil Dhandapani

... Petitioner

Vs.

1.The District Collector, Kallakurichi,



Collectorate Office, Kallakurichi – 606 202.

2.The Revenue Divisional Officer,
Thirukovilur Revenue Division,
Thirukovilur, SH 137,
Sandapet, Kallakurichi – 605 757.

3.District Adi Dravidar and Tribal Welfare Officer,
Collectorate Office, Kallakurichi – 606 202.

4.The Special Tahsildar, ADW,
Ulundurpet Taluk,
Kallakurichi District – 606 107.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, Calling for the records on the file of the 1st respondent in the Villupuram district gazette No. 17B dated 7.05.1999 issued under Sec. 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare schemes act, (31 of 1978) and undated form 1 bearing reference No. A. 87/97 issued under section Sec 4(2) of the Tamil Nadu Acquisition of land for Harijan Welfare schemes Act (31 of 1978) and quashing the same in so far as to the land of the petitioner S.No. 216/1 ,4A, 5A, 2A situated at Sengankollai Village, Thirukovilur Taluk, Villupuram district and consequently directing the respondents to return the possession of the land in S.No. 216/1, 4A, 5A, 2A situated at Sengankollai Village, Thirukovilur Taluk, Villupuram district

For Petitioner : Mr.B.Sasidharan

For R1 to R4 : Mr.T.Arun Kumar,
Additional Government Pleader

COMMON ORDER

The Writ Petition in W.P.No.21178 of 2023 has been instituted to direct the respondents to pass appropriate order on the representation dated 08.05.2023 submitted by the writ petitioners for cancellation of free house site assignments



issued to ineligible beneficiaries in respect of the land comprised in Ariyur, Thirukovilur Taluk, Kallakurichi District and the Writ Petition in W.P.No.21378 of 2023 has been instituted calling for the records on the file of the first respondent in the Villupuram district gazette No. 17B dated 7.05.1999 issued under Sec. 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare schemes act, (31 of 1978) and undated form 1 bearing reference No. A. 87/97 issued under section Sec 4(2) of the Tamil Nadu Acquisition of land for Harijan Welfare schemes Act (31 of 1978) and quashing the same in so far as to the land of the petitioner S.No. 216/1 ,4A, 5A, 2A situated at Sengankollai Village, Thirukovilur Taluk, Villupuram district and consequently directing the respondents to return the possession of the land in S.No. 216/1, 4A, 5A, 2A situated at Sengankollai Village, Thirukovilur Taluk, Villupuram district

2. The petitioners state that the lands comprised in Survey Nos. 218/14 and 218/15 measuring to an extent of 75 cents were acquired by the Government for the purpose of granting free house site patta to the landless poor people in notification dated 10.04.1999.

3. Land acquisition proceedings were initiated under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1979 and the



land belonged to various persons were acquired for the purpose of granting free house site patta to the landless poor people.

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4. The petitioners state that they are agriculturists by profession and the lands belonged to them were acquired. The lands cultivated by the petitioners for their livelihood were acquired for the purpose of granting free house site patta to the poor persons.

5. On completion of the acquisition proceedings, the lands were allotted to some persons and to the shock and surprise of the petitioners, it is found that free house site patta were granted to ineligible persons in a fraudulent manner and with the collusion of the Government Authorities.

6. The learned counsel for the petitioners made a submission that corruption plays a major role in allotment of free house site patta to the ineligible persons and in this regard, the petitioners submitted a detailed representation along with the documents to establish the assignees are in possession of other properties in many other places.



7. The learned counsel for the petitioners further made a submission that the father of the writ petitioner / Mr.N.Govinda Udayar in W.P.No.21178 of 2023 had filed a Writ Petition in W.P.No.5677 of 2011 in the year 2011, which was disposed of by this Court on 09.03.2011, directing the authorities to consider the representation submitted by the father of the writ petitioner in W.P.No.21178 of 2023 . However, no action was taken by the respondents. The petitioner collected the documents meticulously to establish that the lands were allotted to ineligible persons. After securing the documents, the present Writ Petition is filed.

8. Yet another land loser / Mr.D.Thoplan filed a Writ Petition in W.P.No.3692 of 2023 and this Court passed an order on 24.03.2023, directing the authorities to consider the representation submitted by him and pass appropriate orders in merits and in accordance with law.

9. Repeated efforts are taken by the land losers from whom the lands were acquired and assigned by the Government Authorities. The land losers found that all those assignees are ineligible persons and they are owning several properties in other areas. Pertinently, assignments are granted in favour of the Government employees in violation of the Rules in force.



10. This Court considering the magnitude of the allegations, impleaded the Director of Vigilance and Anti-Corruption for the purpose of conducting an investigation. The learned Additional Public Prosecutor appearing on behalf of the Director of Vigilance and Anti-Corruption made a submission that they are awaiting the report from the District Collector and on receipt of the records and the report, all appropriate actions will be initiated under the relevant criminal provisions and also under the Prevention of Corruption Act.

11. The learned counsel for the petitioners produced the typed-set of papers along with the property details of the assignments to establish that all those assignees are owning and possessing land and houses in various localities and made a submission that all those assignees are ineligible persons. By assigning the agricultural lands to the ineligible persons, the erstwhile land owners are deprived of their right to cultivate and enjoy their own lands.

12. The very purpose and object of the land acquisition proceedings were defeated in view of allegations of large scale illegalities in the matter of grant of free house site patta to the ineligible persons.



13. Considering the facts and circumstances, this Court is of the opinion that an enquiry and investigation is warranted to cull out the truth and prosecute the persons, who all are liable for such illegalities, irregularities or offences under the criminal law.

14. The documents produced by the petitioners before this Court reveals that the assignees, numbering 166 persons are holding various other properties including houses and they are neither homeless nor poor persons and not falling under any of the eligible criteria as fixed by the Government.

15. It is brought to the notice of this Court that in respect of one family, seven free house site pattas were granted. The allegations raised is shocking to the conscience of this Court. Thus, an enquiry and investigation is mandatory.

16. During the process of enquiry, the authorities may not be in a position to find out whether the beneficiaries are eligible or ineligible. Unless the eligibility is confirmed, no patta shall be issued to any person under the Scheme. In the event of granting patta to the ineligible person, the same would cause prejudice to the interest of the eligible landless poor people. Thus, the authorities are expected



not to act in a haste manner for grant of patta during the course of enquiry.

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17. Accordingly, this Court is inclined to pass the following order:-

- (i) the 1st respondent / the District Collector and the 2nd respondent / the Revenue Divisional Officer are directed to conduct a detailed enquiry with reference to the documents and the records available and also based on the documents and inputs provided by the petitioners and accordingly, further actions are to be initiated by the District Collector based on the enquiry to pass appropriate order, if necessary, to cancel the illegal and irregular assignments granted in favour of the ineligible persons and resume the properties;
- (ii) the enquiry is directed to be completed by the respondents 1 and 2 within a period of two (2) months from the date of receipt of a copy of this order;
- (iii) the report prepared after conducting the enquiry is directed to be communicated to the Director of Vigilance and Anti-Corruption immediately along with the documents and the particulars, enabling the Director of Vigilance and Anti-Corruption to institute prosecution against the offenders both under the Criminal Law and under the Prevention of Corruption Act by following the procedures as contemplated;
- (iv) the preliminary report is to be submitted before this Court in this regard in



the present Writ Petition on receipt of the enquiry report from the District Collector.

(v) Director of Vigilance and Anti-Corruption is directed to prosecute and initiate action within a period of one month from the date of receipt of a copy of the report from the District Collector, Kallakurichi.

18. The petitioners are at liberty to furnish the copies of the documents collected by them and provide informations to the authorities, enabling them to complete the enquiry in a meaningful manner.

19. The respondents 1 and 2 and the respondent 21 / Director of Vigilance and Anti-Corruption are directed to submit their respective reports. Till such time, the enquiry is completed by the District Collector in all respects, no patta can be issued to any person under the Scheme.

20. Accordingly, the Writ Petitions stand allowed. Consequently, the connected Miscellaneous Petitions are closed. No costs.

21. Post the matter under the caption “For Reporting Compliance” on



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W.P.Nos.21178 and 21



08.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The District Collector,
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- 2.The Revenue Divisional Officer,
Thirukovilur, Kallakurichi District.
- 3.The Revenue Tahsildar,
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S.M.SUBRAMANIAM, J.

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W.P.No.21178 of 2023

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