



W.P.No.23354 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HON'BLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.23354 of 2023

S.Pathiya

.. Petitioner

Versus

- 1.The District Collector,
O/o the District Collectorate,
Salem District.
- 2.The Revenue Divisional Officer,
Office of the Revenue Divisional Office,
Matur, Salem District.
- 3.Revenue Tahsildar,
O/o The Revenue Tahsildar,
Omalur Taluk,
Salem District.
- 4.The Tahsildar,
Adi-Diravider welfare Department-(Thani),
O/o The Revenue Tahsildar,
Omalur Taluk, Salem District.

..Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of Mandamus directing the respondents to issue a free house site Patta to my house comprised in Survey No.114/1 Situated at Anna Nagar, Salem Main Road, Kottamettupatti Village, Omallur Taluk, Salem District – 636 455 and consequentially to consider the petitioner's representation pertaining to the letter No.407/Public.2(1)/2023-6 dated on 10.07.2023 and Guideline in Na.Ka.No.M2/582/2015 dated on 25.08.2022 to issue a free house site patta by this Hon'ble Court may be fixed the stipulate time.

For Petitioner : Mr.G.Munuraj

For Respondents : Mr.G.Krishna Raja
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to issue free house site patta to the house comprised in Survey No.114/1 Situated at Anna Nagar, Salem Main Road, Kottamettupatti Village, Omallur Taluk, Salem District – 636 455.



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2.The petitioner states that she is in possession and enjoyment of the Government land in Survey No.114/1 situated at Anna Nagar, Salem Main Road, Kottamettupatti Village, Omallur Taluk, Salem District. The petitioner submitted an application for grant of Patta and the said application was not considered. Therefore, the petitioner is constrained to move the present writ petition.

3.The learned counsel for the petitioner relied on the circular issued by the Commissioner, Land Administration dated 25.08.2022. The Commissioner, Land Administration issued the circular to the District Collectors to initiate appropriate actions for the effective implementation of welfare scheme introduced by the Government. Such circulars will not provide an absolute right to the petitioner to claim free house site patta.

4.Mere submission of an application seeking Patta would not confer any right to the petitioner nor the Court can issue a direction to issue free house site patta under the welfare scheme. The welfare schemes are to be implemented by the Government scrupulously following the conditions



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stipulated and without causing any discrimination amongst the eligible landless poor people who all are waiting and longing to secure free house site patta. However, the High Court cannot issue any direction in respect of the writ petitioner to issue free house site patta and in the event of issuing any such direction, the same would cause prejudice to the interest of all other eligible persons who all are waiting to secure free house site Patta. Thus the welfare schemes are to be implemented without causing any discrimination. Thus, the writ petitions filed seeking such reliefs are not entertainable. Even if a direction to consider the representation is issued, there is a possibility of abuse of such directions issued by the High Court and more so, such directions would do no service to the cause of justice and the litigants will be back again by filing another writ petition.

5. In some circumstances, such directions issued by the High Court to consider the representation are paving way for corrupt practices and the officials are misconstruing such directions or taking undue advantage of such directions and conferring certain benefits to ineligible persons. Taking note of the facts and circumstances, the petitioner has to approach the



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authorities and the authorities are bound to follow the conditions stipulated in the welfare schemes. Thus, the petitioner is not entitled for the relief.

6. Accordingly, the writ petition stands dismissed. No costs.

10.08.2023

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
cse/veda

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S.M. SUBRAMANIAM, J.



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