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W.P.No.25367 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.25367 of 2021
and
WMP No.26795 of 2021

M.Deepa

.....

Petitioner

Vs

1. The District Collector,
Collectorate,
Coimbatore – 641 018.

2. The District Adi-Dravidar &
Scheduled Tribe Welfare Officer,
Coimbatore – 641 018,
Coimbatore District.

3. The Revenue Divisional Officer,
Coimbatore South,
Coimbatore – 641 018,
Coimbatore District.

4. The Special Tahsildar,
Adi-Dravidar & Scheduled
Tribes Welfare,
Coimbatore – 641 018.
Coimbatore District.

5. The Inspector of Police,



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Pothanur Police Station,
Coimbatore City,
Coimbatore District.

6. K.Chinnasamy

.... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents 1 to 5 to provide required protection to the petitioner to construct a house in and over an extent of 60 sq.meters of her free house site No.317 bearing S.F.No.43/1, Vellalur Village, Madukarai Taluk, Coimbatore District allotted as per Patta No.04/2021 in Na.Ka.No.796/1987/A, dated 31.05.2021 issued by the 4th respondent, by considering her representations dated 13.10.2021.

For Petitioner : Mr.N.Manokaran

For R1 to R5 : Mr.A.Gopinath
Government Advocate (Crl.Side)

For R6 : No appearance

ORDER

This Writ Petition has been filed seeking police protection to the petitioner, while constructing a house in and over an extent of 60 sq.meters of her free house site No.317 bearing S.F.No.43/1, Vellalur Village, Madukarai Taluk, Coimbatore District.

2. Heard the learned counsel appearing on either side and perused



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the materials available on record.

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3. The petitioner belongs to Adi-Dravidar community. She is a landless and houseless person living with her family members. Therefore, she applied for free house site patta under RSO 27(7)(ii). The same was considered and a free house site patta was issued in Na.Ka.No.796/1987/A dated 31.05.2021 by the fourth respondent for house site No.317, admeasuring 60 sq.meter comprised in Survey No.43/1 on condition that she should start the construction within a period of six months from 31.05.2021. When the petitioner was about to start the construction, the sixth respondent has created so many issues and the petitioner was not permitted to put up any construction. Hence, the petitioner lodged a complaint on 20.09.2021 before the fifth respondent. However, no action has been taken. Hence, she was constrained to file this writ petition.

4. A perusal of the allotment order in favour of the petitioner dated 26.05.2021 reveals that originally, the house site No.317 was allotted in favour of one Karuppathal, wife of Muniappan. In turn, she had given a power of attorney in favour of the sixth respondent herein. The sixth respondent challenged the order dated 26.05.2021 as a power of attorney of original



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allottee, viz., Karuppathal, in W.P.No.31473 of 2022. This Court, by an order dated 12.09.2023, dismissed the writ petition on the ground that the sixth respondent and another are not original assignees, that they are only the power agent of the original assignee. The sale deed had been executed by the power agent of the original assignee in favour of the sixth respondent and another. The original assignee has not constructed any house as per the conditions imposed in assignment for several years. Therefore, on the said ground, the original allotment was cancelled and the house site No.317 was allotted in favour of the petitioner. Even after dismissal of the challenge made against the allotment order, the sixth respondent was not allowing the petitioner to put up any construction. As per the condition, the petitioner should have started construction within a period of six months from the date of issuance of patta.

5. A perusal of the earlier order passed by this Court on 01.12.2021, reveals that the fifth respondent submitted the documents in favour of the petitioner and as such, the sixth respondent was directed to approach the Civil Court for any grievances and in the order, this Court instructed to provide police protection to the petitioner. However, the fifth respondent appeared before this Court and represented that there is a hut put up by third party and not by the sixth respondent herein.



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6. Therefore, the fifth respondent is directed to provide adequate police protection to the petitioner, while putting up construction in the house site No.317, bearing S.F.No.43/1, situated at Vellalur Village, Madukarai Taluk, Coimbatore District, forthwith.

7. With the above direction, this Writ Petition is disposed of. Consequently, connected miscellaneous petition is closed.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To
1. The District Collector,
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2. The District Adi-Dravidar &
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3. The Revenue Divisional Officer,
Coimbatore South,
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