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W.P.Nos.27773, 27776, 27780 and 27783 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.27773, 27776, 27780 and 27783 of 2023

Chithra	... Petitioner in W.P. No.27773 of 2023
P. Kannammal	... Petitioner in W.P. No.27776 of 2023
S. Santhakumari	... Petitioner in W.P. No.27780 of 2023
L. Rani	... Petitioner in W.P. No.27783 of 2023

Vs.

1.The District Collector,
Office of the District Collector,
Tiruvallur District.

2.The District SC & ST Welfare Officer,
The District SC & ST
Welfare Department,
Tiruvallur District.

3.The Special Tahsildar,
SC & ST Welfare Department,
Ponneri Revenue Taluk,
Avadi Taluk, Tiruvallur District.

4.The Sub Registrar,
Office of the Sub Registrar,
Redhills,
Tiruvallur District.

... Respondents 1 to 4 in W.P. Nos.
27773, 27780 and 27783 of 2023
& Respondents 2 to 5 in W.P. No.
27776 of 2023



W.P.Nos.27773, 27776, 27780 and 27783 of

The Inspector General of Registration,
Office of the Inspector General
of Registration,
No.10, Pattinapakkam, Chennai – 28.

... 1st Respondent in W.P. No.
27776 of 2023

Mallika

... 5th Respondent in W.P. No.
27773 of 2023

K. Bhuvaneshwari
K. Dhanalakshmi

... 6th & 7th Respondents in
W.P. No.27776 of 2023

Jeyalakshmi

... 5th Respondent in W.P. No.
27780 of 2023

Prayer in W.P. No.27773 of 2023: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation, dated 06.06.2022 and 07.07.2022 and direct the 4th respondent to remove the encumbrance made in the petitioner's allotted vacant house site bearing plot No.131, total extent of 1308 sq.ft., vide decree and judgment No.1/99-2000 & Na.Ka.No.301/2001, dated 19.12.1999 bearing Survey No.235 at R.K.J. Vallivelan Nagar, Pothur Village, Avadi Taluk, Tiruvallur district.

Prayer in WP.No.27776 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 4 to consider the petitioner's representation to the



respondents, dated 04.07.2023, 14.07.2023 and 03.08.2023 and direct the 5th respondent to remove the encumbrance made in the petitioner's allotted vacant house site bearing Plot No.505, total extent of 1308 square feet, vide Decree and Judgment No.1/99-2000 and Na.Ka.No.301/2001, dated 19.12.1999 bearing Survey No.235 at R.K.J. Vallivelan Nagar, Pothur Village, Avadi Taluk, Tiruvallur district.

Prayer in WP.No.27780 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation, dated 14.07.2023 and take action to remove the encumbrance made in the petitioner's vacant house sit, plot No.260, total extent of 1308 square feet, vide Decree and Judgment No.1/99-2000 and Na.Ka.No.301/2001, dated 19.12.1999 bearing Survey No.235 at R.K.J. Vallivelan Nagar, Pothur Village, Avadi Taluk, Tiruvallur district.

Prayer in WP.No.27783 of 2023 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to consider the petitioner's representation, dated 28.06.2023 and 04.07.2023 and take action to remove the encumbrance made in the petitioner's allotted vacant house site bearing plot No.348, total extent of 1308 sq.ft., vide decree and judgment No.1/99-2000 & Na.Ka.No.301/2001, dated 19.12.1999 bearing Survey No.235 at R.K.J. Vallivelan Nagar, Pothur Village, Avadi Taluk, Tiruvallur district.



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For Petitioners in all W.P.s : Ms.G.Mahar Amutha Surya

For Respondents

: Mr.E.Sundaram, Government Advocate.

[for R1 to R4 in W.P. Nos.27773,

27780 & 27783 of 2023

for R1 to R5 in W.P. No.27776 of 2023]

COMMON ORDER

The reliefs sought for in the present writ petitions are to direct the Official respondents to consider the petitioners representation and remove the encumbrances made in the petitioners' allotted vacant house site bearing Plot Nos.131, 505, 260 and 348 respectively, to the total extent of 1308 sq.ft, vide Decree and Judgment No.1/99-2000 and Na.Ka.No.301/2001 dated 19.12.1999 in Survey No.235 at R.K.J.Vallivelan Nagar, Pothur Village, Avadi Taluk, Tiruvallur District.

2. The learned Counsel for the petitioners mainly contended that wrong names have been entered in the Encumbrance Certificates and the petitioners were granted with free house site patta under the Government Welfare Scheme. On verification, it was found that the names of the respective 5th respondent in W. P. Nos.27773 and 27780 of 2023 and the 6th & 7th



respondents in W.P. No.27776 of 2023, have been erroneously entered in the Encumbrance Certificates. Since the Authorities have not considered the representation, the petitioners are constrained to move the present writ petition.

3. Free House Site Patta is granted for the benefit of the poor landless people under the Government Welfare Schemes. The genuinity of the Patta has to be verified with reference to the eligibility and the documents produced by the individuals. Since two Patta in respect of the same property has been granted, the Sub-Registrar may not be in a position to remove the names in Encumbrance Certificate unilaterally or empowered to decide the eligibility of a person. In this regard, the Official respondents have to verify the genuinity of the free house site Patta granted and issue appropriate orders enabling the petitioners to seek remedy before the Sub-Registrar concerned for the purpose of removal of encumbrances.

4. Accordingly, the District SC/ST Welfare Officer, Tiruvallur District and the Special Tahsildar, SC/ST Welfare Department, Avadi Taluk, Tiruvallur District are directed to conduct an enquiry and find out the



genuinity of the free house site Patta granted in favour of the writ petitioners and if any bogus Patta has been granted or entered in the Encumbrance Certificates registered, they can initiate all appropriate actions to set right the wrong occurred and initiate further action against the offenders. The said exercise is directed to be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

5. With the above observations, the Writ Petitions stand disposed of.

No costs.

26.09.2023

veda/mkn2

Index : Yes/No

Speaking order/Non speaking order

Neutral Citation : Yes /No

To

1.The Inspector General of Registration,
Office of the Inspector General
of Registration,
No.10, Pattinapakkam, Chennai – 28.



2. The District Collector,
Office of the District Collector,
Tiruvallur District.

3. The District SC & ST Welfare Officer,
The District SC & ST Welfare Department,
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4. The Special Tahsildar,
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