



W.P.No.33818 of 2023
order dated 05.12.2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 05.12.2023

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.33818 of 2023

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B.Devi

.. Petitioner

Vs.

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.

2. The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai Distrit.

3. The Special Tahsildar,
Scheduled Caste Welfare Department,
Sengam,
Thiruvannamalai District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to issue a free house site patta to the petitioner by disposing of her appeal dated 24.07.2023 within time frame to be fixed by this Court.

For petitioner : Mr.G.Punniakoti

For respondents: Mr.P.Gurunathan, Addl.G.P.



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ORDER

This Writ Petition is filed praying for issuance of a simple Writ of Mandamus to direct the respondents to issue free house site patta to the petitioner by disposing of her appeal dated 24.07.2023 within time frame to be fixed by this Court.

2. It is the case of the petitioner that more than 750 families are living in the village where the petitioner also lives and they all belong to Scheduled Caste. In 1995, due to lack of a house, their village people requested the first respondent to issue a fresh house site Patta and the first respondent accepted their request and acquired the land in Kothanthavadi Village Survey No.83/3A of an extent of 0.43.6 Hectares and Survey No.84/9A of an extent of 0.11.5 hectares, totally 0.62.5 hectares and the same was handed over to the third respondent and the third respondent had been delaying the allocation of that land to the beneficiaries till date. The petitioner and 53 other persons have filed a Writ Petition for issuance of a free house site Patta before this Court in W.P.No.25187 of 2022. Thereafter, on 20.09.2022, this Court passed favourable order in the said Writ petition and after a lapse of three months, i.e. on 02.01.2023, the petitioner's counsel sent a contempt notice to the Tahsildar, Sengam, Thiruvannamalai District. On 13.02.2023, the Tahsildar, Sengam sent

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an urgent Memo to the third respondent to take a necessary action in this Court's order in W.P.No.25187 of 2022, dated 20.09.2022. Even after a lapse of five months, the third respondent had rejected their request without conducting an enquiry and issuing a warrant, vide Na.Ka.No.Aa2/43/2022, dated 06.07.2023, in which, the third respondent has mentioned that he has issued free house site Pattas to 9 people and the remaining place has been given to many people. But, the house site has not been given to the Writ petitioner and others those who are given house site, are already having patta lands and are all close relatives to the Union Chairman. The third respondent had not issued any patta to the petitioner and others were given, and this act is illegal. The acquisition of the land was in the year 1995, which was not granted to the beneficiaries and the same is against law. On 24.07.2023, the petitioner and 52 others filed an appeal before the second respondent and requesting to issue a free house site patta to the petitioner and others, but the same was not disposed of till date. Hence, this Writ Petition is filed for the above relief.

3. Learned Additional Government Pleader takes notice for the respondents. It is stated that the appeal is pending before the second respondent to issue free house site patta to the petitioner by disposing of the same.

4. Accordingly, this Court directs the respondents to issue notice to the



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petitioner and rival claimants/interested persons and after issuing notice to them, provide them an opportunity of hearing and pass appropriate orders on the said appeal on merits and in accordance with law, within a period of two months from the date of receipt of a copy of this order.

5. With the above direction, the Writ Petition is disposed of. There shall be no order as to costs.

05.12.2023

CS

To

1. The District Collector,
Thiruvannamalai District,
Thiruvannamalai.
2. The Revenue Divisional Officer,
Thiruvannamalai,
Thiruvannamalai District.
3. The Special Tahsildar,
Scheduled Caste Welfare Department,
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P. VELMURUGAN, J

CS

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