



W.P(MD).Nos.3379 to 3396 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED:23.11.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

**W.P(MD).Nos.3379 to 3396 of 2019
and W.M.P(MD).No.2657 of 2019**

Prayer in W.P(MD).No.3379 of 2023

Palaniammal

... Petitioner

Vs.

- 1.The Secretary to Government,
Adi Dravidar Welfare Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.
- 2.The District Collector,
Sivagangai District.
- 3.The District Scheduled Caste and Scheduled Tribe Welfare Officer,
Sivagangai District.
- 4.The Revenue Divisional Officer,
(Sub Collector),
Ramnagar,
Devakottai,
Sivagangai District.
- 5.The Special Tahsildar,
Adi Dravidar Welfare Department,
Ramnagar, Devakkottai,
Sivagangai District.

...Respondents



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PRAYER : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings dated 04.12.2017 of the third respondent in Na.Ka.No.W1/18785/2014 which was received on 02.04.2018 and quash the same and consequently, direct the third respondent to conduct the enquiry in the light of communication dated 23.12.2016 of the Special Tahsildar, the fifth respondent and grant assignment of houses sites the place earmarked for house sites to Adi Dravidar under the schemes which are situated in Survey No.240/7A, Kallal Village, Karaikudi Taluk, Sivagangai District and patta to the petitioner.

For Petitioner : Mr.S.Siva Thilakar

For Respondent : Mr.P.T.Thiraviyam
Government Advocate
for R1 to R5
Mr.M.Raja Rajan for R6
Mr.Chandrasekar for R7

COMMON ORDER

These Writ Petitions have been filed challenging the impugned order of the third respondent dated 04.12.2017 rejecting the request of the petitioners for allotment of house sites to the place earmarked to the



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Scheduled Caste Community people under the
Adi Dravidar Welfare Scheme and grant of patta, in the light of the
communication dated 23.12.2016 issued by the fifth respondent.

2. The case of the petitioners is that the house sites, situated in Survey No.240/7A, measuring to an extent of 0.57.50 acres (1 Acre 42 cents) Kallal Village, Karaikudi Taluk, Sivagangai District, meant for Adi Dravidars under Adi Dravidar Welfare Scheme have been allotted to 26 persons who were considered to be eligible persons in the year 1984. However, it was later found that some of the persons are ineligible and are not belonging to Adi Dravidars Community. Thus, the house sites are kept vacant till date. The petitioners belonging to Adi Dravidar Community have made requests for allotment of house sites and grant of patta in their favour, however, the same was not considered. Therefore, they have filed writ petitions in W.P(MD).Nos.18030 to 18052 of 2017 and this Court, vide orders dated 22.09.2017, directed the respondents to conduct enquiry and take a decision in accordance with law. However, the third respondent, without considering the eligibility of the petitioners, has passed the impugned order dated 04.12.2017,



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rejecting their request. Challenging the same, the present Writ Petitions have been filed.

3. When the matters are taken up for hearing today, the learned Government Advocate appearing for the respondents, on instructions, submits that the impugned order passed by the third respondent is not a final order and it has been passed pursuant to the communication which has been received from the fifth respondent, wherein, certain clarifications have been sought for from the fifth respondent and the final orders would be passed by the third respondent within a reasonable time.

4. Considering the submission made by the learned Government Advocate appearing for the respondents and the fact that a decision is yet to be taken by the third respondent as per the directions of this Court in W.P(MD).Nos.18030 to 18052 of 2017, these Writ Petitions are disposed of, with a direction to the third respondent to conduct enquiry as directed by this Court in W.P(MD).Nos.18030 to 18052 of 2017 on 22.09.2017 and pass final orders on its own merits and in accordance with law, after providing an opportunity of hearing to the petitioners as well as the



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concerned parties, within a period of three months from the date of receipt of a copy of this order. There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

23.11.2023

Index: Yes/No
Internet: Yes/No
ssb

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B.PUGALENDHI, J.

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