



W.P.(MD).Nos.17823 and 17824 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.12.2023

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).Nos.17823 and 17824 of 2021

W.P.(MD).No.17823 of 2021:

Perumal

... Petitioner

Vs.

1.The District Adi-Dravidar and Tribal Welfare Officer
Office of the District Adi-Dravidar and Tribal Welfare Office,
Collector Office,
Tirunelveli.

2.The Special Tahsildar,
Office of the Special Tahsildar,
Adi-Dravidar Welfare Department,
Nanguneri,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to survey the petitioner's land assigned under the land for landless scheduled castes person scheme measuring to an extent of three cents comprised in Survey Nos.1020/1, 1021/1, 1022/1, Pazhavor, Radhapuram Taluk, Tirunelveli District and fix the



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boundary stones in light of proceedings in Na.Ka.No.Pa1/18288/2021 dated 01.07.2021 passed by the first respondent within the stipulated time prescribed by this Court.

W.P.(MD).No.17824 of 2021:

Kaliyammal

... Petitioner

Vs.

1.The District Adi-Dravidar and Tribal Welfare Officer
Office of the District Adi-Dravidar and Tribal Welfare Office,
Collector Office,
Tirunelveli.

2.The Special Tahsildar,
Office of the Special Tahsildar,
Adi-Dravidar Welfare Department,
Nanguneri,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the second respondent to survey the petitioner's land assigned under the land for landless scheduled castes person scheme measuring to an extent of three cents comprised in Survey Nos.1020/1, 1021/1, 1022/1, Pazhavor, Radhapuram Taluk, Tirunelveli District and fix the boundary stones in light of proceedings in Na.Ka.No.Pa1/18288/2021 dated 01.07.2021 passed by the first respondent within the stipulated time prescribed by this Court.



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(In Both Writ Petitions):

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For Petitioners : Mr.S.Rajasekar

For Respondents : Mr.B.Saravanan
Additional Government Pleader

COMMON ORDER

When the matter came up for hearing on 08.11.2023, this Court passed the following order:

“These writ petitions have been filed for a direction to the second respondent to survey the subject property and to fix the boundaries.

2.The petitioners claim their right through assignment patta that was granted in their favour during the year 1998. The petitioners each, were assigned with three cents of land. Since the boundaries were not fixed, the petitioners made representations for fixing the boundaries.

3.When the matter is taken up for hearing today, the learned Government Advocate based on the written instructions received from the second respondent, submitted that originally assignment was made in favour of 100 persons and the petitioners were granted assignment of three cents of lands each. Subsequently, some portion of the land was acquired under the State Highways Act and as a result, the total extent was reduced. Under such circumstances, for the reduced portions, separate list of



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assignees are prepared and the assignment is going to be granted in favour of 61 persons.

4.It is an admitted fact that already assignment has been made in favour of 100 persons and assignment patta has also been granted to them. If this assignment is sought to be cancelled and a fresh list is going to be prepared, necessarily the assignees will have to be put on notice. It is therefore, clear that a larger issue is involved in this case. Hence, the second respondent is directed to file counter in this case.

5.Post this case on 29.11.2023.”

2. When the matter was taken up for hearing today, the better affidavit of the second respondent was filed in both the Writ Petitions. On going through the same, it is seen that both the petitioners are now beneficiaries even with respect to the fresh list that has been prepared by identifying 61 beneficiaries. The claim of the petitioner in W.P.(MD).No.17824 of 2021 is found in Serial No.2 of the list wherein she has been allotted Survey No.1020/6 with an extent of 3 cents (80 square meters). Similarly, insofar as the petitioner in W.P.(MD). No.17823 of 2021 is concerned, her name is found at Serial No.32 and she has been allotted in Survey No.1020/36 measuring an extent of 3 cents (80 square meters).



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3. In view of the above, it is clear that the assignment in favour of the petitioners is intact except for the change in the survey numbers. Hence, it is left open to the petitioners to make a fresh representation to the second respondent seeking for the survey of the lands that have now been assigned in their favour.

4. These Writ Petitions are disposed of in the above terms. No costs.

08.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
Nsr

To

- 1.The District Adi-Dravidar and Tribal Welfare Officer
Office of the District Adi-Dravidar and Tribal Welfare Office,
Collector Office,
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- 2.The Special Tahsildar,
Office of the Special Tahsildar,
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N.ANAND VENKATESH, J.

Nsr

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