



W.P(MD)No.4361 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.08.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.4361 of 2015
and
M.P.(MD)Nos.1 & 2 of 2015

N.Ramachandran

... Petitioner

Vs.

- 1.The District Collector,
Office of the District Collectorate,
Madurai District.
- 2.The Planning Officer (Panchayat)
District Panchayat Camp,
O/o.The District Collector,
Madurai.
- 3.The Block Development Officer,
Alanganallur Panchayat,
Alanganallur,
Madurai District.
- 4.The Village Administrative Officer,
Periya Illanthaikulam Village,
Alanganallur.
- 5.The President,
Alanganallur Panchayat,
Alanganallur,
Madurai District.



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6.S.Santhanam

7.P.Jeyabalan Ambalam

8.P.Jeyaprakash

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order vide Na.Ka.No. 1913/14/A2 dated 13.11.2014 passed by the 3rd respondent and quash the same as illegal, arbitrary and unconstitutional and consequently directing the respondent 1 to 3 to restore the allotment for the construction of the house to the petitioner.

For Petitioner : no appearance

For Respondents : Mr.D.Gandhiraj
Special Government Pleader for R1, R2 & R4
: Mr.Anandraj for R3 & R5

ORDER

None appeared for the writ petitioner on the last occasion. The case is therefore posted today under the caption 'for dismissal'. None appears for the petitioner today also.

2. I went through the affidavit filed in support of the writ petition. The petitioner was originally given allotment order dated 20.02.2014 to construct the house under what is known as “பசுமை வீடுகள் திட்டம்”. Later it was cancelled. Challenging the same, the petitioner filed W.P.(MD)No.13895 of



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2014. It was disposed of on 18.09.2014 in the following terms:-

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“3. It is seen that the said impugned order has been passed without issuing any notice to the petitioner and without conducting any enquiry into the matter. Further, the petitioner would contend that the allegation made against him is not substantiated by any records and it is factually incorrect and in the impugned order, there is no indication with regard to issuance of notice to the petitioner. It appears that an enquiry was conducted in the absence of the petitioner, which led to the conclusion that the petitioner is not entitled to allotment of solar power green house. Since no enquiry was conducted and no opportunity of personal hearing was afforded to the petitioner, the impugned action of the respondents is held to be unreasonable. However, this Court is not inclined to set aside the impugned order.

4. Accordingly, there will be a direction to the petitioner to treat the impugned proceedings, dated 23.06.2014, as a show cause notice and submit his explanation in writing by giving all facts in support of his contention, within a period of three weeks from the date of receipt of a copy of this order. Thereafter, the third respondent shall conduct an enquiry into the matter and pass reasoned orders on merits and in accordance with law, within a period of three weeks thereafter. Till such proceedings are concluded, status quo prevailing as on date shall be maintained. ”

Pursuant to the direction given by this Court, enquiry was conducted and the impugned order dated 13.11.2014 was passed confirming the earlier cancellation. Questioning the same, the present writ petition came to be filed.

3. As rightly pointed out by the learned Special Government Pleader, the scheme was intended to benefit those who are houseless and who are below a



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particular economic segment. In the impugned order, it has been mentioned that the petitioner is already having a terraced house. The revenue record indicating ownership of the petitioner has also been referred to. In the affidavit filed in support of the writ petition, the petitioner has not contested the said averment. Instead, he wants to vilify the entire allotment process by pointing out that the person who are having means have also been allotted. Taking such a stand will not advance the case of the petitioner. The petitioner has to demonstrate that he is eligible to be issued with allotment under the aforesaid scheme. In the impugned order, reasons have been given as to why the petitioner's order was cancelled. The petitioner has not controverted the said reasons on merits. No case has been made out for interference.

4. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

24.08.2023

Index : Yes / No

Internet : Yes/ No

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G.R.SWAMINATHAN, J.

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