



W.P.(MD)Nos.22374 & 22428 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)Nos.22374 & 22428 of 2021

W.P.(MD)No.22374 of 2021

Karupppammal

... Petitioner

Vs.

1.The District Collector,
Theni District.

2.The District Adi Dravidar Welfare Officer,
Theni District.

3.The Revenue Divisional Officer,
Periyakulam Taluk, Theni District.

4.The Tahsildar,
Periyakulam Taluk,
Theni District.

5.P.Pandian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to restore the assignment of house site in Survey No.1383/39 situated at Vadapudupatti, Periyakulam Taluk, Theni District, vide patta No.358 granted to the petitioner herein by cancelling fraudulent transfer of



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patta issued in the name of 5th respondent herein and consequently direct the respondents 1 to 4 herein to initiate criminal prosecution against the 5th respondent and his predecessors under the Special Enactments in fraudulently withholding and transferring patta No.358 issued to the petitioner under the beneficial scheme framed for the members of Schedule Caste/Schedule Tribes.

For Petitioner : Mr.K.Appadurai

For R-1 to R-4 : Mr.K.S.Selvaganesan,
Additional Government Pleader

W.P.(MD)No.22428 of 2021

Seeniammal

... Petitioner

Vs.

- 1.The District Collector,
Theni District.
- 2.The District Adi Dravidar Welfare Officer,
Theni District.
- 3.The Sub Collector / Revenue Divisional Officer,
Periyakulam Taluk,
Theni District.
- 4.The Tahsildar,
Periyakulam Taluk,
Theni District.
- 5.The Superintendent of Police,
Theni District.
- 6.Banthanam



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7.Easwaran

8.Seeniammal

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents 1 to 4 herein to restore the assignment of house site in Survey No.1383/1 situated at Vadapudupatti, Periyakulam Taluk, Theni District vide patta No.135 granted to the petitioner herein by cancelling fraudulent transfer of patta issued in the name of 8th respondent herein and consequently direct the respondents 1 to 4 herein to initiate criminal prosecution against the respondents 6 to 8 and their predecessors under the Special Enactments in fraudulently withholding and transferring patta No.135 issued to the petitioner under the beneficial scheme framed for the members of Schedule Case / Schedule Tribes.

For Petitioner : Mr.K.Appadurai

For R-1 to R-5 : Mr.A.K.Manikkam,
Special Government Pleader

For R-6 & R-7 : Mr.R.Ponkarthikeyan

For R-8 : Mr.R.Subramanian

COMMON ORDER

The issue involved in both these Writ Petitions are common and hence, they are taken up together, heard and disposed of through this common order.



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2. The case of the petitioners is that they belonged to the Scheduled Caste Community and the fourth respondent had allotted the house site to them in the year 1990 under the Scheme framed for the benefit of Depressed Class in Survey Nos.1383/1 and 1383/39 at Vadaveeranayakkanpatti.Village, Periyakulam Taluk, Theni District. The patta was also issued in their favour in patta Nos.135 and 358 respectively.

3. The grievance of the petitioners is that the private respondents without any right had taken steps to get the patta transferred in their names and had approached the Tahsildar in this regard. The patta was also transferred in the name of the private respondents. On coming to know of the same, the representations were made by the petitioners to the first respondent seeking for the cancellation of the patta and for restoring the same in the name of the petitioners. Since the same was not acted upon, these present Writ Petitions have been filed before this Court.

4. When the matter was taken up for hearing today, the learned Special Government Pleader appearing on behalf of the official



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respondents produced the written instructions received from the fourth respondent. On going through the same, it is seen that the private respondents have claimed right over the property through an oral sale / unregistered sale deed and it was acted upon and the patta has been transferred in favour of the private respondents.

5. In the considered view of this Court, the petitioners / the father of the petitioners have been allotted the property under a specific Scheme framed for the benefit of Depressed Class.

6. In view of the above, there shall be a direction to the third respondent to deal with the representations made by the petitioners and conduct an enquiry after affording an opportunity to the petitioners and the private respondents and an order shall be passed strictly in accordance with law within a period of eight (8) weeks from the date of a copy of this order. The petitioners are directed to make a fresh representation before the third respondent along with all the relevant documents and also a copy of this order.



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7. Both these Writ Petitions are disposed of with the above

directions. No costs.

22.11.2023

NCC:yes/no

Index:yes/no

Internet:yes/no

tsg

To

1.The District Collector,
Theni District.

2.The District Adi Dravidar Welfare Officer,
Theni District.

3.The Revenue Divisional Officer,
Periyakulam Taluk, Theni District.

4.The Tahsildar,
Periyakulam Taluk,
Theni District.

5.The Superintendent of Police,
Theni District



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N.ANAND VENKATESH, J.

tsg

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