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W.P.(MD)NO.218 OF 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 31.08.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.218 of 2017

D.Muthuraman

... Petitioner

Vs.

1. The District Collector,
Dindigul District,
Dindigul.
2. The District Officer,
Backward Class and Minority Welfare Office,
District Collector's Office,
Dindigul.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Nilakottai,
Dindigul District.
4. A.Rajkumar
5. Indra
6. Rekha
7. Rajeswari
8. Punniyavathi

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings



of the second respondent herein in Na.Ka.No.36420/2014/I1 dated 15.09.2014 and the consequential proceedings of the third respondent bearing Ref.Na.Ka.No.365/2013A dated 15.09.2014 and quash the same and direct the respondents 2 and 3 herein to forthwith give effect to the proceedings of the second respondent herein bearing Na.Ka.No.36420/2013/11 dated 24.07.2014 and retrieve plot Nos.40, 41, 42 and 45 in survey No.147/13B and 148/1B1 in Pallapatti Village, Nilakottai Taluk, Dindigul District from the hands of the respondents 4 to 8 herein.

For Petitioner : Mr.C.Mahadevan
For R-1 to R-3 : Mr.S.Ra.Ramachandran,
Additional Government Pleader.
For R-4 to R-8 : Mr.Ram Sundar Vijayraj

* * *

ORDER

Heard the learned counsel on either side.

2. Vide proceedings dated 16.09.2014, the third respondent had granted free house site patta in favour of the following four individuals:-

- “ 1. Tmt.Indra
2. Tmt.Rekha
3. Tmt.Rajeswari
4. Tmt.Punniyavathi



3. Indra is the wife of one Rajkumar. Rekha is the wife of Panneerselvam. Panneerselvam and Vijayakumar are brothers of Rajkumar. Rekha and Rajeswari are the respective wives of Panneerselvam and Vijayakumar. Punniyavathi is the mother of Rajkumar. For these four members belonging to the family, free house site patta has been issued. It is seen that that this family is already owning lands in the locality. They would not fall within the expression “landless poor”. The proceedings have been arbitrarily and illegally issued. It is true that even though the learned counsel appearing for the respondents would contend that the petitioner has no locus standi and the writ petition has been filed out of *mala fides*, the impugned proceedings suffer from glaring illegality. I have to necessarily set aside them and the same is accordingly set aside. This writ petition stands allowed. No costs.

31.08.2023

NCC : Yes / No

Index : Yes / No

Internet : Yes/ No

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5

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G.R.SWAMINATHAN,J.

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