



W.A.No.834 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No.834 of 2024
and
C.M.P.No.5778 of 2024

Sarasal

...Appellant

Vs.

1.The Secretary to Government,
Adi-Dravidar Welfare Department,
Fort St. George, Chennai – 600 009.

2.The District Collector,
Eroder District, Erode.

3.The Special Tahsildar,
Adi-Dravidar Welfare Department,
Erode.

4.The President,
Perodu Panchayat,
Erode District.

5.Manju

...Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside

1/8



W.A.No.834 of 2024

the order dated 08.08.2022 made in W.P.No.8214 of 2022.

WEB COPY

For Appellant : Mr.M.Selvam
For Respondents : Mr.A.Selvendran,
Special Government Pleader

J U D G M E N T

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

The appellant is aggrieved by the closure of her writ petition on the ground that she has been allotted alternate free house site in S.No.52 of Chennasamuthiram Village in Erode District vide proceedings of the Special Tahsildar, Adi-Dravidar Welfare Department, Erode dated 06.08.2022.

The brief facts that led to the filing of the writ petition are as follows:-

2. The appellant who was a landless poor was allotted the housing plot measuring about 3 cents in R.S.No.283/2 at Perodu Village as early as in 2004. Since it was found that the appellant was not in occupation of the land allotted by putting up a house and that she has breached the conditions of assignment, proceedings were initiated against her for cancellation and the notices in the proceedings for cancellation could not be served on her since



W.A.No.834 of 2024

she was not residing in the village concerned. Therefore, the allotment made was cancelled by the competent Authority on 17.09.2018 and the land was allotted to another person.

3. The appellant applied to the District Collector for restoration of the allotment. Since no orders were passed, the appellant approached this Court in W.P.No.12276 of 2020. The said writ petition was disposed of on 15.07.2021 directing the District Collector, Erode to look into the grievance of the appellant and to consider her representation dated 14.08.2020 and pass orders afresh.

4. Thereafter, an enquiry was conducted by the District Collector and the appellant was offered alternate land in seven other villages. But the appellant did not exercise the option and insisted that she should be allotted land in the same village. Further, she challenged the order of the District Collector dated 15.11.2021, in and by which, the District Collector offered alternate lands to the appellant. The Court dismissed the writ petition on the conclusion that since the appellant has been allotted alternate lands the grievance of the appellant no longer survives. Hence, this appeal.



W.A.No.834 of 2024

WEB COPY 5. Mr.M.Selvam, learned counsel appearing for the appellant would vehemently contend that the cancellation was without notice to her and therefore she should be allotted land in the same place.

6. The order impugned in the writ petition as well as the earlier orders offering land in other villages very clearly demonstrate that the appellant was not residing in Perodu village and hence notices could not be served on her for the cancellation proceedings. It has been brought about that there was enough publication of the cancellation proceedings in the village concerned.

7. The learned counsel for the appellant would admit that the appellant was not residing in Perodu Village at the relevant point of time and she was staying with her daughter. Though the appellant would claim that she was staying in Perodu Village till 2015 and only after the death of her husband she started living with her daughter, that said contention was falsified by the fact that the death certificate of the husband of the appellant shows his address as Kongampalayam, Gangapuram Village, Erode. Therefore, the



W.A.No.834 of 2024

District Collect has disbelieved the claim of the appellant that she had constructed house and she was living in Perodu Village till her husband died.

8. The scope of the proceedings under Article 226 are very limited. The writ Court cannot re-examine the conclusion of the Authorities that are based on the material papers. Interference can be made only when there is a procedural lacuna or violation of the principles of natural justice. We find that the appellant has been given an opportunity of hearing and the Authorities have allotted alternate land to the appellant. The grievance of the appellant is that the allotted land is far away from Perodu Village and therefore she cannot be expected to occupy the same. That by itself cannot be a ground to interfere with the proceedings of the Authorities, which are otherwise in order.

9. We therefore do not see any merit in the writ appeal. The writ appeal therefore fails and it is accordingly **dismissed**. No costs. Consequently, the connected miscellaneous petition is closed.



W.A.No.834 of 2024

(R.S.M., J.) (R.S.V., J.)

09.07.2024

WEB COPY

dsa
Index : No
Internet : Yes
Neutral Citation : No
Speaking order



W.A.No.834 of 2024

To:-

WEB COPY

- 1.The Secretary to Government,
Adi-Dravidar Welfare Department,
Fort St. George, Chennai – 600 009.
- 2.The District Collector,
Eroder District, Erode.
- 3.The Special Tahsildar,
Adi-Dravidar Welfare Department,
Erode.
- 4.The President,
Perodu Panchayat,
Erode District.



WEB COPY



W.A.No.834 of 2024

R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

dsa

W.A.No.834 of 2024

09.07.2024