



WEB COPY

W.P.No.5531 of 2021 etc., by



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.02.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.5531, 5533, 5535, 5537, 5599, 5601, 5604, 5606, 5607 of 2021

and

**W.M.P.Nos.6154, 6156, 6161, 6162, 6216, 6222, 6224, 6225, 6165, 6214,
6215, 6221, 6167, 6223, 6169, 6170, 6217 and 6219 of 2021**

W.P.No.5531 of 2021

D.Ravi

... Petitioner

Vs.

1. Union of India by
Chief Secretary to Government,
Government of Puducherry,
Puducherry – 605 001.

2. The Director,
Adi Dravidar Welfare Department,
Government of Puducherry,
Puducherry – 605 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order vide No.3283/AWD/G3/2018-19/2151 dated 21.01.2019 passed by the second respondent and quash the same.



For Petitioner : Mr.B.Balavijayan (in all WPs)

For Respondents : Mr.A.Tamilvanan,
Additional Government Pleader
(Puducherry) (in all WPs)

COMMON ORDER

The cancellation of assignment order issued in favour of the assignees / writ petitioners and to restore the possession of the Government properties in proceedings dated 21.01.2019 are under challenge in these writ petitions.

2. Adi Dravidar Welfare Department, Government of Puducherry issues free house site patta poor landless Schedule Caste people of Union Territory of Puducherry under the scheme. The scheme is governed under Puducherry house site / house allotment (under the scheme of house site / houses) to the Schedule Caste Rules, 1981 read with G.O.Ms.No.45/81 HEW (HW) dated 30.03.1981.

3. The facts as narrated would reveal that the petitioners submitted applications to assign free house site and issue patta. It was granted based on the statement and documents produced by the petitioners. On enquiry, the authorities found that the assignment has been obtained by making false



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/ fraudulent representation and also suppressing the material facts. Thus, the authorities have invoked the provisions of the said Rules on the ground that the assignments granted in favour of petitioners were in violation of the conditions stipulated in the assignment order. Even during the nnnnnnnnnn re-verification of certificate / documents and inspection by the filed officials, the authorities found that the assignments were secured based on false and fraudulent representations. Consequently, a show cause notice was issued on 18.06.2018 affording an opportunity to the writ petitioners to submit their explanations. The replies received by the respondents from the assignees were considered and authorities found it is not convincing. Thus, the impugned order has been passed invoking the provisions of the Rules and the assignment order issued in favour of the assignees were cancelled and a direction was issued to restore possession of the Government property.

4. The learned counsel for the petitioners would submit that the petitioners submitted applications along with the documents and therefore, findings made in the order impugned are incorrect.



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5. The authorities have conducted an enquiry and inspection to cull-out the truth and found that the assignees had obtained free house site patta by making false / fraudulent representation and also by suppressing the material facts.

6. That apart, the reply given by the petitioners to the show cause notice issued by the respondents were also considered by the respondents. Thus, the rules of natural justice has been followed. Power of judicial review of the High Court under Article 226 of the Constitution of India is to ensure the processes through which the decision has been taken by the competent authorities in consonance with the provisions of the Statute and Rules in force, but not the decision itself.

7. In the present case, the authorities have afforded opportunities to the writ petitioners and an enquiry and field inspections were conducted and that being the factum established, this Court do not find any acceptable reason for the purpose of interfering with the orders passed by the respondents. If at all the petitioners are eligible in respect of any other



welfare scheme in force for the benefit of the Schedule Caste people, they are at liberty to submit an application.

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8. With this liberty, these Writ Petitions stand dismissed. No costs.

Consequently, the connected Miscellaneous Petitions are closed.

06.02.2024

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes

To

1. The Chief Secretary to Government of India,
Government of Puducherry,
Puducherry – 605 001.
2. The Director,
Adi Dravidar Welfare Department,
Government of Puducherry,
Puducherry – 605 009.



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S.M.SUBRAMANIAM, J.

Jeni

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