



W.P.No.10564 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HON'BLE MR.JUSTICE **J.SATHYA NARAYANA PRASAD**

W.P.No.10564 of 2019

Dr.Ambedkar Road Side Dwellers Association
(SC/ST Division)
Rep.by its President T.Ekambaram

... Petitioner

vs.

1. The Commissioner
Land Administration Department,
Ezhilagam, Chepauk,
Chennai 600 005.
- 2.The Principal Secretary to Government,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai 600 009.
- 3.The District Collector,
Chennai District,
Rajaji Street,
Chennai 600 001.
- 4.The District Collector,
Thiruvallur District.
- 5.The District Welfare Officer,



W.P.No.10564 of 2019

Adi Dravida and Tribal Welfare Department,
Collectorate, Thiruvallur District.

6. Karthikeyan

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the respondents to strictly comply with the provisions of the award No.5/2000-2001, dated 09.03.2001 under proceeding No.Na.Ka.439/2000/A, issued by the Special Tahsildar, (ADW), Ponneri Division, Ponneri, in order to meet out the requirement of real beneficiaries those who are required to be identified by proper verification in the matter of allotment of house sites with reference to the representation dated 05.12.2018 submitted by the petitioner.

For Petitioners : Mr.G.Thangavel

For R1 to R5 : Mr.P.Sathish
Addl.Govt.Pleader

For R6 : No Appearance

ORDER

The petitioner has filed this petition seeking a direction to the respondents to strictly comply with the provisions of the award



W.P.No.10564 of 2019

No.5/2000-2001, dated 09.03.2001 under proceeding

No.Na.Ka.439/2000/A, issued by the Special Tahsildar, (ADW), Ponneri Division, Ponneri, in order to meet out the requirement of real beneficiaries those who are required to be identified by proper verification in the matter of allotment of house sites with reference to the representation dated 05.12.2018 submitted by the petitioner.

2. The case of the petitioner is that on 09.03.2001, the District Collector, Thiruvallur has issued proceedings in Rc.No.390099/J-1/2000 dated 21.12.2000 and passed an Award No.5/2000-2001, stating that it was announced to give the free house site for 139 Adi Dravida family members situated at Kosapur Village under S.Nos.17 to 19, 23/1 to 3, 24 and 71 admeasuring 3.30.5 hectares of house sites in order to have the equal distribution of the said 139 Adi Dravida family members those who were in need of livelihood of house site, based on the welfare scheme proposed by the Government of Tamil Nadu.

3. In these circumstances, the 6th respondent was entrusted to carry out the work of proper implementation of the award. As such, the 6th



W.P.No.10564 of 2019

respondent made arrangements by demarcating the house site and only allotted for 56 family members by issuing separate patta and the remaining 83 family members were made to wait for appropriate order of allotment required to be issued by the 6th respondent. Meanwhile, the 6th respondent prepared a list of 265 persons by misusing his official power and prepared the allotment of house site by demarcating the entire house site properties and intended to distribute the land in violation of the guidelines issued under Award No.05/2000-2001.

4. It is the further case of the petitioner that the petitioner sent a representation dated 05.12.2018 to the higher authorities and also submitted the copy of the representation to the Director of Vigilance Anti corruption , Chennai so as to conduct proper enquiry in this regard and to investigate the unlawful activities of the 6th respondent, who had been misusing his official power as a Special Thasildar, Adi Dravida Welfare and the same was also forwarded to the District Collector.



W.P.No.10564 of 2019

5. The learned counsel appearing for the petitioner would submit that the lands were acquired for the benefit of members belonging to Adi Dravida families vide Award No.5/2000-2001 dated 09.03.2001 issued by the Special Tahsildar (ADW), Ponneri Division, Ponneri. But, it was not given to the beneficiaries for allotment of house sites as per the welfare scheme proposed by the Government and it was given to 265 persons who were not eligible persons to receive the allotments under the provisions of Award No.5/2001 dated 09.03.2001. The first respondent viz., the Commissioner, Land Administration Department, Elilagam, Chennai – has directed the third respondent viz., District Collector, Chennai to conduct detailed enquiry as per the Government Orders in force and informed to the same to the concerned persons. Till date, no action has been taken in this regard. Hence, the petitioner has come forward with the present writ petition.

6. Heard the learned counsel on either side and perused the materials placed on record.

7. In view of the submissions made by the learned counsel on either



W.P.No.10564 of 2019

side, the third respondent / District Collector, Chennai, is directed to conduct the detailed enquiry after giving notice to both parties, affording an opportunity of personal hearing, to take into consideration the relevant documents submitted by the petitioner Association at the time of the enquiry in regard to the subject matter property and pass appropriate orders on merits, in accordance with law and by following/observing the above principles of natural justice, within a period of three months from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the aforesaid observation and direction. No costs.

10.06.2024

Internet : Yes/No
Index : Yes/ No
Neutral Citation : Yes/No
kkd



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W.P.No.10564 of 2019

To

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W.P.No.10564 of 2019

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W.P.No.10564 of 2019

10.06.2024
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