



WEB COPY



W.P.Nos.8970 & 8973 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.02.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.8970 & 8973 of 2020

and

W.M.P.Nos.10907 & 10910 of 2020

D.Kuppusamy

... Petitioner in
W.P.No.8970/2020

P.Ulageshwari

... Petitioner in
W.P.No.8973/2020

Vs.

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

2. The Secretary to Government,
(Welfare)
Government of Puducherry,
Puducherry-605 001.

3. The Director,
Adi- Dravidar Welfare Department,
Government of Puducherry,
Puducherry-605 009.

4. The joint Director (Survey Wing)
Adi- Dravidar Welfare Department,
Government of Puducherry,
Puducherry-605 009.



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5. The Deputy Director (General)
Adi-Dravidar Welfare Department,
Puducherry-605 009.

6. The Welfare Inspector,
Embalam Assembly Constituency,
Puducherry.

7. The Tahsildar,
Taluk Office,
Bahour,
Puducherry-607 402.

... Respondents

Prayer in W.P.No.8970/2020:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents from allotting Patta No.63, of Selaimedu Village, Bahour Commune, Puducherry -607 402, issued by to the petitioner on 01.06.2015 to any other person.

Prayer in W.P.No.8973/2020:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, forbearing the respondents from allotting Patta No.89, of Selaimedu Village, Bahour Commune, Puducherry -607 402, issued by to the petitioner on 01.06.2015 to any other person.

For Petitioners in
both the W.Ps. : Mr.M.Gnanasekar

For Respondents in
both the W.Ps. : Mr.A.Tamilvanan
Additional Govt. Pleader (Puducherry)



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COMMON ORDER

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The writ of mandamus has been instituted to forbear the respondents from allotting patta nos.63 and 89 of Selaimedu Village, Bahour Commune, Puducherry-607402, issued to the respective petitioners on 01.06.2015 to any other person.

2. Based on the application submitted by the writ petitioners, a free house site was allotted in their favour on the ground that the petitioners are poor homeless persons from Scheduled Caste community. The free house site was allotted under the scheme of “Issue of free house sites”. Conditions are imposed to construct houses within a stipulated period.

3. During the inspection, the authorities found that the petitioners have violated the conditions and no constructions were made. Thus, show cause notices were issued on their favour. Therefore, the writ petitions came to be instituted.

4. The learned Additional Government Pleader would submit that the allotment was obtained based on false representation and other family members of the petitioners were the beneficiaries under the very same



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scheme. Thus, the petitioners were not entitled to avail the benefit of the scheme. Allotments obtained in a fraudulent manner cannot be sustained and therefore, the writ petitions are to be rejected.

5. If at all, any allotment is made based on fraudulent or false informations, the petitioners are not entitled for the relief. However, in the present cases, the writ of mandamus has been filed to forbear the respondents from allotting land to any other person. Such a relief cannot be granted since the petitioners have not complied with the conditions stipulated under the welfare scheme. If at all, any show cause notice has been issued, it is left open to the petitioners to submit their explanation for the purpose of defending their cases.

6. With these observations, the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

07.02.2024

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)



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S.M.SUBRAMANIAM. J.,

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