



W.P. No.19131 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2024

CORAM:

THE HON'BLE MR. JUSTICE G.K. ILANTHIRAIYAN

W.P. No.19131 of 2021 and
W.M.P.No.20420 of 2021

1. Santhi
2. Selvi
3. Chandra
4. R.Vasuki
5. Jaya
6. Sivaprakasam
7. Radha
8. Kuppu
9. Vanaja

.... Petitioners

vs.

1. The District Collector,
District Collectorate Office,
Dharmapuri,
Dharmapuri District.

2. The Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Fort St., George,
Chennai-600 009.

3. The District Adi Dravidar and Tribal Welfare Officer,
District Collectorate Office,
Dharmapuri District,
Dharmapuri.

4. Special Thasildar,
Adi Dravidar and Tribal Welfare Office,
Dharmapuri, Dharmapuri District.

.... Respondents



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Prayer : Writ Petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus calling for the records relating to the Memo of Respondent No.3 dated 31.01.2017 in Ce.Pae.No.12/207 and directing the Respondent No.2 from obstructing the construction in allotted housing sites in Plots situated at Dharmapuri District, Dharmapuri Taluk, A.Jettihalli Village in S.F.No.440/B1/A in Patta No.143 to 151 belong to the petitioners.

For Petitioners : Mr.B.Mohan

For Respondents 1 to 4 : Mr.E.Vijay Anand
Additional Government Pleader

ORDER

This writ petition has been filed challenging the order passed by the third respondent dated 31.01.2017 thereby directed the petitioners to stop construction work in their respective plots situated at Dharmapuri District, Dharmapuri Taluk, A.Jettihalli Village in S.F.No.440/B1/A in Patta No.143 to 151.

2. The petitioners land were acquired for the purpose of construction of 4 way Highways Road. Due to which they were allotted house in plots situated in Dharmapuri District, Dharmapuri Taluk, A.Jettihalli Village in S.F.No.440/B1/A in Patta No.143 to 151. Accordingly, the petitioners were directed to construct their respective



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house within a period of three years from the date of issuance of patta.

However, the petitioners failed to construct any house. Therefore, a memo dated 27.08.2015 issued by the 4th respondent thereby directed the petitioners to construct house within a period of six months from the date of receipt of issuance of memo. Even the petitioners complied the said condition only in the year 2021. Thereafter, they started to construct house that too funded by other third parties. Therefore, the third respondent issued impugned order dated 31.01.2017 directed the petitioners in order to proceed with further construction till the completion of enquiry.

3. On perusal of the counter affidavit filed by the 4th respondent revealed that originally the petitioners were issued free Housing site patta for a dry land to an extent of 0.03 cents comprised in S.No.440/1B1 in the A.Reddihalli Village of the Sogathur Panchayat in Dharmapuri Taluk and District on condition that they shall construct house within a period of three years from the date of issuance of patta. However, the petitioners failed to construct any house for so long years. In fact, they have constructed their respective house in their private individual land within the jurisdiction of Dharmapuri town limit. The petitioners kept



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silent and they did not construct any house. Even after issuance of remainder to the petitioners, they were kept silent and never requested re-issuance of patta till the year 2015. However, considering the facts and circumstances of the petitioners, they were re-issued patta in the year 2015 by the 4th respondent dated 27.08.2015. Even after receipt of re-issuance patta, the petitioners failed to put up construction within a period of six months from the date of re-issuance of patta.

3.1. Therefore, Special Investigation Team formed and inspected the free housing sites allotted in faovur of the petitioners. The Special Investigation Team found irregularities and stopped the petitioners to carrying out the construction process. As per the report submitted by the Special Investigation Team, the 3rd respondent issued memo dated 31.01.2017 to stop the construction work. In fact, the petitioners had started putting construction funded by third parties and not for their own use. Thereafter, the Special Investigation Team inspected the subject property and submitted detailed report. Accordingly, the house plots is vacant and no persons were residing there. Therefore, free house site patta issued in favour of the petitioners were cancelled in the month of March 2020. After cancellation of patta, the petitioners have no right to



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put up any construction. Further, on the enquiry found that the beneficiaries or the Assignees are neither in possession nor in enjoyment of the Assignment Patta Lands issued to them in the year 1994-1999. They did not put up any construction so far. About 95% of the beneficiaries or the Assignees already own one or multiple houses in their name or in the names of their legal heir, which disqualifies them to be part of the above said House site project. Further, the District Administration under the G.O.Ms.No.318 dated 30.08.2019 issued by the Revenue and Disaster Management Department, for rehabilitation of the downtrodden people, the District Administration in accordance with the Point VII and VIII of the above said Government Order, had consulted with the TamilNadu Slum Clearance Board to construct multiple multi-storeyed Apartment with a capacity of holding 3700 families in the same lands acquired for the House Site Project in the A.Reddihalli Village of Sogathur Panchayat in the Dharmapuri Taluk & District. The proposed Multi-Storeyed Apartments Row Houses are to be constructed by the TamilNadu Slum Clearance Board with partial funding by the Central Government under Housing for All (Urban) Scheme. After completion of the entire construction the same would be handed over to the deserved and privileged people belonging to Scheduled Caste community in the



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Dharmapuri District at free of cost with preference given to deserved beneficiaries or the Assignees of the House Site Project.

4. Therefore, this Court cannot find any infirmity or illegality in the order passed by the 3rd respondent dated 31.01.2017. Hence, this writ petition is devoid of merits and liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

03.06.2024

Index: Yes/No
Internet: Yes/No
Speaking Order/Non-Speaking Order
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G.K. ILANTHIRAIYAN, J.

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