



W.P.No. 15885 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 07.11.2024

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 15885 of 2024

M. Ramaprabha
Petitioner

...

Vs

1. The District Collector
Namakkal District
 2. The Revenue Divisional Officer
Namakkal
 3. The Backward Classes and Minority Welfare Officer
District Collectorate
Namakkal District
 4. The Special Tahsildar
Adi Dravidar Welfare Department
Namakkal
 5. Special Sub-Inspector of Survey
Adi Dravidar Welfare,
Namakkal
- ... Respondents



W.P.No. 15885 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the proceedings of the 3rd respondent in Na.Ka.No.14797/1999/P3 dated 09.02.2022 and quash the same and consequently direct the 4th respondent to issue Patta in the name of the petitioner for the house site bearing No. 52, Survey No. 291/1A1 at Singalanthapuram Village, Rasipuram, Namakkal District.

For Petitioner : Ms. C. Priyadharshini

For Respondents : Mr. A. Selvendran
Additional Government Pleader

ORDER

Challenging the cancellation of patta by the 3rd respondent in her impugned proceedings in Na.Ka.No.14797/1999/P3 dated 09.02.2022, the petitioner is before this Court, seeking to quash the said order and consequently direct the 4th respondent to issue patta in the name of the petitioner for the house site bearing No. 52, Survey No. 291/1A1 at Singalanthapuram Village, Rasipuram, Namakkal District.



W.P.No. 15885 of 2024

WEB COPY

2. It is the case of the petitioner that her mother late, Sasikala was allotted an extent of 1 are of land in house site No.52, comprised in Survey No.291/A1 at Singalanthapuram Village, Rasipuram Taluk, Namakkal District under the Adi Dravidar Welfare Scheme by the 4th respondent. A free house site patta was issued in her name by the 4th respondent. On 30.10.2005, the said Sasikala had died, leaving behind the petitioner's father Mani and the petitioner, who is the only child and on the death of her parents, she was entitled to succeed the said property.

3. In the month of March 2024, the petitioner had come to know that by virtue of the impugned order, the 3rd respondent had cancelled the patta that stood in the name of the petitioner. It is the case of the petitioner that prior to the cancellation of patta, no notice was issued to her and neither was an enquiry conducted. The patta granted to the petitioner's mother as well as 31 others had been cancelled on the

3/7



W.P.No. 15885 of 2024

ground that assignees had not put up a construction in the property.

Aggrieved by the fact that the petitioner has not been heard before passing of the impugned order, the petitioner is before this Court.

4. It is brought to the notice of this Court that on 13.01.2021, the Government had passed a Government Order in G.O.(Ms)No.34, dated 13.01.2021 [Revenue and Disaster Management Department, Land Disposal Wing, [LD3(1] Section wherein the Government, after careful examination and considering the proposal and recommendation of the Commissioner of Land Administration and the Commissioner of Adi Dravidar Welfare, had issued a slew of directions wherein, with reference to sites lying vacant without construction even after a year of assignment, the Government Order provided that an extended period of three years from the date of issue of the Government should be available to the original beneficiary or successor, and it was clearly stated that patta shall not be cancelled for non construction of house.



W.P.No. 15885 of 2024

5. Therefore, applying the above guidelines, the Writ Petition is allowed. The impugned order dated 09.02.2022 is set aside. The 4th respondent is directed to issue patta in favour of the petitioner and the petitioner shall abide by the guidelines provided in the above referred G.O. Since the petitioner claims to be the legal representative of the original assignee, all the relevant documents to prove her relationship to the deceased, Sasikala shall be provided. The 4th respondent, after issuing notice to all the persons listed in the impugned order, shall pass orders on merits and in accordance with law, within a period of 4 months from the date of receipt of a copy of this order. There shall be no order as to costs.

07.11.2024

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

srn



W.P.No. 15885 of 2024

To

WEB COPY

1. The District Collector
Namakkal District
2. The Revenue Divisional Officer
Namakkal
3. The Backward Classes and Minority Welfare Officer
District Collectorate
Namakkal District
4. The Special Tahsildar
Adi Dravidar Welfare Department
Namakkal
5. The Special Sub-Inspector of Survey
Adi Dravidar Welfare,
Namakkal



WEB COPY



W.P.No. 15885 of 2024

P.T.ASHA, J.,

srn

W.P.No. 15885 of 2024

07.11.2024