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W.P.No.19685 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.08.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.19685 of 2024
and W.M.P.No.21554 of 2024

1.L.Chandran

2.S.Bathulabegam

...Petitioners

VS.

1.The District Collector,
District Collectorate,
Kallakurichi & District.

2. The Revenue Divisional Officer,
Revenue Divisional Office,
Kallakurichi & District.

3.The Tahsildar,
Kalvarayan Hills Taluk,
Kallakurichi District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus or order or direction in the nature of a writ of Certiorarified Mandamus to call for the impugned order dated 23-12-2022 in Ref No.Na.Ka.E1/916/2022 issued by the third respondent and quash the same and consequently directing the respondents to allot each



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2 cents land in mavadipattu Village, Kalvarayan Hills & Taluk, Kallakurichi District to the petitioners.

For Petitioners : Mr.V.Gunasekar

For Respondents : Mr.U.Baranidaran
Additional Government Pleader

ORDER

Aggrieved by the order passed by the third respondent/the Tahsildar, Kalvarayan Hills Taluk, rejecting the request of the petitioners to issue house site patta, the petitioners have come before this Court.

2. The learned counsel for the petitioners submitted that the request of the second petitioner for issue of house site patta was rejected mainly on the ground that she was not a member of Scheduled Tribe and the request for issue of patta in Kalvarayan Hills area cannot be considered.

3. It is the case of the petitioners that the third respondent failed to consider that the first and second petitioners constructed a house through a housing loan obtained from the Adi Dravidar Welfare Scheme and therefore the rejection order passed by the Tahsildar is erroneous.



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4. The request of the petitioners for the issue of a free house site patta was rejected by the third respondent also on the ground that the second petitioner already owns a house in Survey No.100/5A2. Even as per the admitted case of the petitioners in the affidavit, they constructed a house by obtaining a loan from the Adi Dravidar Welfare Scheme of the State Government.

5. Admittedly the petitioners are owning a house and in such circumstances the other reasoning given by the third respondent for rejecting the petitioners' claim for a free house site, namely owning a house of their own, cannot be assailed by the petitioners. As far as the first petitioner is concerned, it is recorded by the third respondent in the impugned order that he owns a terrace house in Survey nos.148/41 and 42. Further his family members owned 0.45.5 Ares of land in Survey Nos.142/1 and 157/3. Therefore, the petitioners are not satisfying the eligibility criteria for considering their request for the issue of a free house site patta. Accordingly, the third respondent rightly rejected the request of the petitioners for such patta.



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6. I do not find anything to interfere with the order passed by the third

respondent and accordingly, the Writ Petition stands dismissed. No Costs.

Consequently, the connected Writ Miscellaneous Petition is closed.

27.08.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

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To

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S.SOUNTHAR, J.

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