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WP.No.33633 of 2024

In the High Court of Judicature at Madras

Dated : 19.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.33633 of 2024

- 1.M.Varadarajan
- 2.Rajendran
- 3.M.Andiyappan
- 4.S.Varathakesavan
- 5.M.Siva

...Petitioners

Vs

- 1.The Secretary, Revenue
Department, Secretariat,
Fort St.George, Chennai-9.
- 2.The Secretary, Adi Dravidar
Welfare Department,
Secretariat, Fort St.George,
Chennai-9.
- 3.The District Collector,
Chengalpattu District,
Chengalpattu.
- 4.The Tahsildar, Chengalpattu,
Chengalpattu District.
- 5.The Special Tahsildar,
Adi Dravidar Welfare Department,
Chengalpattu, Chengalpattu
District.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus to direct the respondents to



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consider the petitioners' representation dated 25.6.2024 and thereby direct the respondents to issue free house site patta to the petitioners under the Adi Dravidar and Tribal Welfare Scheme in Pattipulam Village, Chengalpattu, Chengalpattu District.

For Petitioners : Mr.B.Sundarapandiyan
For Respondents : Mr.A.Selvendran, SGP

ORDER

Seeking to consider their representation dated 25.6.2024 for the issuance of a free house site patta under the Adi Dravidar and Tribal Welfare Scheme in Pattipulam Village, Chengalpattu, Chengalpattu District, the petitioners are before this Court.

2. It is the case of the petitioners that they are landless poor Hindu Adi Dravidar people and they along with other 45 family members are residing in S.No.228/19, Muthu Mariyamman Koil Street, Pattipulam Village, Chengalpattu, Chengalpattu District for over 50 years. Prior to that, their ancestors were also residing in the above said lands.

3. According to the petitioners, except for these lands, they have no other lands. Hence, they approached the Government for the



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issuance of a free house site patta. While so, the Government informed that they wanted the lands for developing a school. However, it was assured that the petitioners would be provided with some other housing shelter. On the basis of the said assurance, they vacated the property comprised in S.No.228/19. Later, the first respondent acquired the lands in S.Nos.229/2B and 229/2C of Pattipulam Village to an extent of 3 acres 87 cents from one Mr.Rama Gramani and others for the issuance of free house site patta.

4. However, the said Mr.Rama Gramani and others filed W.P.No. 2189 of 1990 before this Court challenging the Notification issued under Section 4(1) and the Declaration published under Section 6 of the Land Acquisition Act and it was dismissed by order dated 10.10.1998. As against the same, the land owners also filed W.A.No. 1237 of 2000 and it was also dismissed by a Division Bench of this Court by judgment dated 09.10.2007 confirming the order dated 10.10.1998. After the dismissal of the said writ appeal, the petitioners approached the respondents for the issuance of a free house site patta on various occasions.

5. The land owners once again approached this Court by filing W.P.Nos.2556 to 2558 of 2015 seeking for a declaration to declare the



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entire acquisition proceedings as deemed to have lapsed in respect of S.Nos.229/2C1, 229/2A and 229/2B in view of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (for short, the Act). This Court, by a common order dated 15.4.2016, allowed W.P.Nos.2556 to 2558 of 2015 by holding that the provisions of Section 24(2) of the Act would apply and that the land acquisition proceedings had lapsed. This Court proceeded on the basis that though the Declaration under Section 6 of the Land Acquisition Act was issued on 07.12.1989 and the compensation amount was deposited, from the years 1989 to 2015 for over 25 years, the respondents have not come forward to tender the compensation amount to the land owners nor the possession was taken over from the land owners.

6. The petitioners would submit that for nearly 34 years, they are suffering without any permanent shelter. The petitioners also submitted a representation on 25.6.2024 to the respondents for the issuance of a free house site patta under the Adi Dravidar Welfare Scheme. Since it did not evoke any response, they approached this Court.



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7. Heard the learned counsel for the petitioners and the learned Special Government Pleader accepting notice for the respondents.

8. Taking into consideration of the fact that the land acquisition proceedings have been declared as lapsed and that the lands acquired in S.Nos.229/2B and 229/2C for providing free house sites to the petitioners are no longer available, the writ petition is allowed and a Mandamus is issued to the fourth respondent to consider the representation of the petitioners dated 25.6.2024 for the grant of free house site patta and pass appropriate orders thereon within a period of eight weeks from the date of receipt of a copy of this order. No costs.

19.11.2024

To

- 1.The Secretary, Revenue Department, Secretariat, Fort St.George, Chennai-9.
- 2.The Secretary, Adi Dravidar Welfare Department, Secretariat, Fort St.George, Chennai-9.
- 3.The District Collector, Chengalpattu District, Chengalpattu.
- 4.The Tahsildar, Chengalpattu, Chengalpattu District.
- 5.The Special Tahsildar, Adi Dravidar Welfare Department, Chengalpattu, Chengalpattu District.



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