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W.P.No.33904 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.33904 of 2024

and

W.M.P.Nos.36719 & 36721 of 2024

R.Kaliammal

... Petitioner

Vs.

1.Government Of Tamil Nadu
Rep By Its Director,
Adi Dravidar And Tribal Welfare Department,
Chepauk, Chennai- 5.

2.The District Collector
Collectorate, Namakkal District,
Namakkal.

3.District Adi Dravidar Welfare Officer
Namakkal District,
Namakkal.

4.The Special Tahsildar
(Adi Dravidar Welfare Department),
Namakkal.

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari, Calling for the records of the 3rd respondent, pertaining to the impugned proceedings issued in Na.Ka.No. 18886 / 1998 /D-1 dated 31.07.2023 and quash the same and quash the same and pass.

For Petitioner

: M/s.T.Ramkumar



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For Respondents : M/s.A.Selvendran, Spl.GP.
for R.1 to R.4.

ORDER

Challenging the cancellation of patta by the 3rd respondent vide proceedings dated 31.07.2023, the petitioner is before this Court.

2. The petitioner would submit that she belongs to the Avi Dravidar Community. In order to provide house to persons belonging to the Adi Dravidar Community, Arunthadhiyar and Deventhirar Community, the District Adi Dravidar Welfare Officer, the 3rd respondent herein had allotted free house sites and patta to 140 eligible beneficiaries which included the petitioner. The petitioner would submit that on being allotted a house site, all the beneficiaries had put up thatched houses including the petitioner. However, these allottees were not given the basic amenities like electricity connection, water connection, roads, sanitation etc. The petitioner and other beneficiaries had been making representations to the respondents to provide these basic amenities so that the house site would become more habitable. Since the absence of these amenities was making it very difficult to reside in the said plots.

3. In February 2022, the petitioner and other beneficiaries had sent a



representation to the 2nd respondent requesting necessary basic amenities.

However, no action was taken on this representation and to add insult to injury the 3rd respondent had issued the impugned order cancelling the patta given to the petitioner and others. Challenging the same, the petitioner is before this Court.

4. Heard the counsels on either side.

5. A mere perusal of the impugned order would clearly show that before passing the said order, notice has not been issued to the allottees whose assignment has now been cancelled. That apart, the impugned order has not even been addressed to the allottees.

6. Considering the fact that the impugned order has been passed without notice to the persons whose assignment patta has now been cancelled, the impugned order is set aside. The writ petition is allowed and the matter is remitted back to the 3rd respondent for fresh consideration. The 3rd respondent shall issue notices to all the allottees including the petitioner, give them an opportunity to prove their case and thereafter pass orders. It is needless to state that a speaking order shall be passed and before proceeding with the enquiry the patta shall be restored in the name



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of the petitioner and others in case the patta issued to them has been cancelled. No costs. Consequently, the connected Miscellaneous Petitions are closed.

21.11.2024

(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

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Adi Dravidar And Tribal Welfare Department,
Chepauk, Chennai- 5.

2.The District Collector
Collectorate, Namakkal District,
Namakkal.

3.District Adi Dravidar Welfare Officer
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Namakkal.

4.The Special Tahsildar
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P.T. ASHA. J.,

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