



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.12.2024

CORAM

THE HON'BLE Mr. JUSTICE **C.V.KARTHIKEYAN**

W.P.No.31382 of 2023
and W.M.P.No.31008 of 2023

Selvam

.. Petitioner

Vs.

1.The District Collector,
Cuddalore District,
Cuddalore.

2.The Project Director,
Cuddalore District,
O/s the District Collector,
Cuddalore.

3.The Block Development Officer,
Nallur Block Development Office,
Nallur,
Cuddalore District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records from the 3rd respondent relating to the impugned order dated 25.08.2023 in Na.Ka.No A2 / 0568 / 22 and quash the same.

For Petitioner

.. Mr.D.Ashok Kumar

For Respondents

.. Mr.T.Chandrasekaran

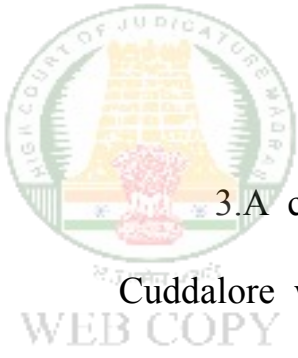
Special Government Pleader for R1 to R3

**ORDER**

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This writ petition has been filed in the nature of certiorarified mandamus seeking records from the 3rd respondent, Block Development Officer, Nallur in Cuddalore District of the order dated 25.08.2023 in Na.Ka.No.A2/0568/22 and quash the same.

2.The writ petitioner, a senior citizen had applied for a house at Periyar Memorial Samathuvapuram in Nallur Village in Cuddalore District. The 3rd respondent, the Block Development Officer had allotted House No.55 by allotment order dated 28.06.2023. The petitioner and her husband are living in that particular house. Subsequently, the impugned order was issued on 25.08.2023 stating that her brother had already been allotted another house and therefore, two individuals from the same family cannot be allotted separate houses and therefore, cancelling the allotment. The petitioner then pointed out that she has no brother. A clarification was then issued that it had been wrongly stated that it was the brother but that actually it was the daughter-in-law who had been allotted House No.53. It had therefore been stated that the petitioner has been wrongly allotted the house and therefore, the impugned order had been passed cancelling the allotment and taking possession of the house allotted to the petitioner. It is under those circumstances, this writ petition has been filed.



3.A counter affidavit has been filed by the 1st respondent, District Collector, Cuddalore wherein, it had been stated that a Selection Committee was formed for selection of beneficiaries to Samathuvapuram in accordance with the guidelines provided under G.O.Ms.(ID) No.247, Rural Development and Panchayat Raj Department, dated 19.05.2010. The members of the Selection Committee were as follows:

1. Project Director, DRDA, Cuddalore - Chairman of the committee
2. Block Development Officer (BP), Nallur Panchayat Union – Member
3. Tahsildar, Thittakudi Taluk - Member
4. Village Panchayat President, Tholar Village Panchayat - Member
(Special Officer / Block Development Officer (VP),
NallurPanchayat Union)
5. Village Administrative Officer, Tholar Village - Member
6. One PLF Member of Tholar Village – Member

4.It had been stated that administrative sanction had been granted for construction of 100 houses in proposed Samathuvapuram in Tholar Village Panchayat of Nallur Panchayat Union, Cuddalore. Government Pormboke land of 9 acres was also selected for construction of such houses. Thereafter, the Selection Committee had identified the beneficiaries. The guidelines under which the beneficiaries would be selected were as



- *The above Committee will seek applications from those eligible who will be willing to stay at Samathuvapuram on permanent basis. While selecting the beneficiaries for Samathuvapuram, the persons living in houses with i) mud walls with thatched roof ii) brick walls with thatched roof iii) mud walls with tiled roof and iv) brick walls with tiled roof will be given priority in the above order as such persons are likely to be poorer. The beneficiaries list will have to be finally approved by the District Collector.*
- *Persons residing in houses with RCC roof will not be eligible for Samathuvapuram houses.*
- *No such persons who have been the beneficiaries of IAY houses or other housing schemes such as Fishermen Free Housing Scheme, Tribal Housing through Adi Dravidar and Tribal Welfare Department will be eligible for getting house under Samathuvapuram.*
- *Reservation of 3% will be done horizontally across all communities for selecting beneficiaries with over 70% and above physical disability or mentally retardation, as certified by the competent authority. Wherever deemed necessary allotment may be made in the name of parents of the disabled."*

5.It is seen that for one family, one house would be allotted. Further,



G.O.Ms.No.44, Rural Development and Panchayat Raj Department, dated 28.03.2022

had been issued wherein, the specific guidelines is issued relating to selection of beneficiaries. The relevant guidelines are as follows:

"....6. Preference shall be given for Households with Vulnerable persons. Vulnerable persons include Differently-abled, Widows, Destitute and Deserted Women, Women headed families, Ex-servicemen and retired Members of the Paramilitary forces, families having severely malnourished children (as identified by the ICDS Department), Transgender, HIV/AIDS/TB affected persons who are certified by the Deputy Director (Health Services) concerned. Households having a mentally challenged person in the family and victims of natural calamities such as fire, flood, etc., 'Very Poor' and 'Poor' households from the updated PIP data."

6.The Selection Committee had identified 78 beneficiaries. The petitioner was allotted House No.55. The allotment order dated 28.06.2023. Thereafter, complaints were received that ineligible persons had been granted allotment. The District Collector therefore directed the Tahsildar at Thittakudi to enquire into the matter and file a detailed report. The Tahsildar submitted a report in R.O.C.No.A5/25/2023 dated 15.07.2023, wherein, it had been stated that three beneficiaries including the petitioner herein had been wrongly granted allotment. The house allotted to the petitioner was therefore cancelled by the impugned order dated 22.08.2023 by the District Collector.



Thereafter, consequential orders were also passed by the 3rd respondent on 25.08.2023.

The key had actually not been handed over to the petitioner and it is the specific case of the District Collector that the petitioner had forcibly occupied the house and claimed ownership. It had been stated that the daughter-in-law of the petitioner had been granted allotment of yet another house and therefore, the petitioner was not eligible to be allotted with another house. It had been stated that two beneficiaries from the same family could not be allotted. It had also been contended that prior to the allotment all of them including petitioner and the son and daughter-in-law were living in the same house at House No.147, Annanagar at Tholar Village. That detail is also evident from the electoral role Part No.193 of Thittakudi Constituency. The petitioner's name and the daughter-in-law's name finds place in the residence of the same house. It is therefore stated that it is for that reason, the allotment had been cancelled.

7.The learned counsel for the petitioner made a fervent plea sating that the petitioner is residing separately and the son is residing separately. It is also contended that the son also has children and therefore, the petitioner cannot be expected to move into the house allotted to the son.

8.It is an internal issue which will have to be resolved only by the petitioner. The son or the daughter-in-law who is the allottee is also not a party to the writ petition.



Alternatively, the learned counsel stated that if allotment is to be cancelled, the allotment granted in favour of the daughter-in-law could be cancelled and that the allotment granted in favour of the petitioner could be retained. The Court cannot pass such an order in the absence of the daughter-in-law as a party to the proceedings.

9.The learned counsel stated that the petitioner had given further representation. Any representation given could be examined by the respondent but, so long as there is no dispute over the fact that the petitioner and the daughter-in-law had both been allotted independent houses, then it would only indicate that two members of the same family had benefited under the scheme, which provides for extension of benefit for only one member of one family. This would only enable a family which has no houses to be allotted with a house. There cannot be two houses allotted to one family and members enjoying them to the disadvantage of those who do not have the benefit of any house at all.

10.I am not able to grant the relief sought. I would only indicate that any representation given should be examined in the manner known to law and orders to be passed on the same. Granting that particular direction to the respondent, if at all any representation had been sent already or is to be sent by the petitioner, I am not inclined to grant any order

**C.V.KARTHIKEYAN,J.**

SSR

11.This writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

18.12.2024

Index:Yes/No

Internet:Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation:Yes/No

ssr

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