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WP.No.34491 of 2024

In the High Court of Judicature at Madras

Dated : 21.11.2024

Coram :

The Honourable Ms.Justice P.T.ASHA

Writ Petition No.34491 of 2024 &
WMP.Nos.37388 & 37389 of 2024

- 1.Mohaneshwari
- 2.Ranjani
- 3.Annakili
- 4.Sinthamani
- 5.Pappa
- 6.Kalyani
- 7.Manonmani
- 8.Samboornam
- 9.Rasammal
- 10.Muthulakshmi
- 11.Pappa
- 12.Saraswathi Devi
- 13.Nandhini
- 14.Sivanammal
- 15.Ramayee
- 16.Poongavanam
- 17.Valliammai
- 18.Amaravathi
- 19.Vanitha
- 20.Malarmani
- 21.Chellammal
- 22.Sakunthala
- 23.Suseela
- 24.Kala
- 25.Rani
- 26.Kalarani
- 27.Rajathi
- 28.Deivayanai
- 29.Shanthi
- 30.Poonkodi
- 31.Jayamani
- 32.Suseela



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33.Meenakumari
34.Valliammal
35.Rajeswari
36.Selvi
37.Shantha
38.Jothi
39.Sudha
40.Lakshmi
41.Amaravathi
42.Chandra
43.Selvarani
44.Chithra
45.Revathi
46.Malar
47.Parameshwari

Vs

...Petitioners

- 1.The State rep.by its Secretary,
Adi Dravidar & Trial Welfare
Department, Secretariat,
Chennai-9.
- 2.The District Collector,
District Collectorate,
Namakkal District-1.
- 3.The District Adi Dravidar Welfare
Officer, District Collectorate,
Namakkal District-1.
- 4.The Special Tahsildar (Adi
Dravidar Welfare), Taluk
Office, Namakkal District-1.
- 5.The Village Administrative Officer,
Periyur Village, Namakkal
Taluk & District.

...Respondents

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



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entire records of the third respondent herein pertaining to the impugned order in Na.Ka.No.18886-1998-D1 dated 31.7.2023, quash the same and consequently direct the respondents herein to provide basic amenities such as electricity and drinking water to the petitioners' house sites situated at survey Nos.126/1, 127, 128, 132 and 133 of Thummankurichi Village, Namakkal Taluk and District.

For Petitioners : Mr.N.Velmurugan
For Respondents : Mr.A.Selvendran, SGP

ORDER

Aggrieved by the order of the third respondent in Na.Ka.No. 18886-1998-D1 dated 31.7.2023, the petitioners are before this Court seeking to quash the said order and consequently direct the respondents to provide them basic amenities to the house sites situated at survey Nos.126/1, 127, 128, 132 and 133 of Thummankurichi Village, Namakkal Taluk and District.

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

3. The contention of the petitioners, who are 47 in number, is that all of them belong to Adi Dravider Deivendrar and Arunthathiar communities and are socially and economically in a very poor



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condition. Since they do not own houses, in the year 1998, the State Government, under the free house sites welfare scheme, acquired an extent of 7.41 acres in the said survey numbers and they were allotted to the petitioners. Each of the petitioners was allotted an extent of 3 cents. There were 140 beneficiaries including the petitioners under the said scheme.

4. The property, which was acquired for the said scheme, situated between Periyur and Thummankurichi villages and did not have a proper road facility at the time of allotment. That apart, the basic amenities like water and electricity connections, etc. are not available to the occupants of the land. Despite several representations, there was no response for their request. Since there are several dangers associated with the land occupied by the petitioners, they decided to vacate their houses. The first petitioner also gave a representation dated 11.3.2024 to the second respondent detailing their hardships and requesting him to construct group houses.

5. Once again when they approached the third respondent on 13.3.2024, they were informed that the allotment order made in the year 1998 was cancelled on 31.7.2023. The grievance of the petitioners is that neither were they put on notice before issuing the



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proceedings dated 31.7.2023 giving them an opportunity to put forth their contentions nor were they issued with a copy of the said order dated 31.7.2023. Subsequently, the petitioners obtained a copy of the said order dated 31.7.2023 and are now before this Court seeking for the relief set out above.

6. This Court has carefully considered the submissions of the learned counsel for the petitioners and perused the materials available on record.

7. A mere reading of the impugned order clearly spells out that there has been no communication to the allottees. The impugned order is also not addressed to them. The only ground, on which, the impugned order has been issued, is that the occupants have not put up the construction. Had the respondents issued notice to the petitioners, they would have made their representations and submitted documents to prove otherwise.

8. Therefore, taking note of the above factor and considering the fact that the principles of natural justice were completely given a go-by before passing the impugned order, the writ petition is allowed, the impugned order is set aside and the matter is remitted back to the



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third respondent for a fresh consideration. The third respondent shall issue notice to the petitioners, afford an opportunity to put forth their documents, give an opportunity of personal hearing and thereafter pass a speaking order. The above exercise shall be completed within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, the connected WMPs are closed.

21.11.2024

To

- 1.The Secretary to Government of
Tamil Nadu, Adi Dravidar &
Trial Welfare Department,
Secretariat, Chennai-9.
- 2.The District Collector,
District Collectorate,
Namakkal District-1.
- 3.The District Adi Dravidar Welfare
Officer, District Collectorate,
Namakkal District-1.
- 4.The Special Tahsildar (Adi
Dravidar Welfare), Taluk
Office, Namakkal District-1.
- 5.The Village Administrative Officer,
Periyur Village, Namakkal
Taluk & District.

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