



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.12.2024**

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P(MD)NOs.9615 to 9632 of 2023

S.Muthusamy : Petitioner in W.P(MD)No.9615 of 2023

.VS.

- 1.The District Collector,
Collectorate,
Madurai.
- 2.The District Revenue Officer,
Collectorate,
Madurai.
- 3.The District Adi-Dravidar Welfare Officer,
Collectorate,
Madurai.
- 4.The Revenue Divisional Officer,
Office of the Revenue Divisional,
Usilampatti,
Madurai District.
- 5.The Special Tahsildar(Adi-Dravidar Welfare),
Tahsildar Office,
Usilampatti,
Madurai District.

6.M.Vetrivel :Respondents in W.P(MD)No.9615 of 2023

PRAYER in W.P(MD)No.9615 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing fifth respondent to fix the survey stone



for the plots assigned to the Petitioner enabling to construct house on the said plot.

For Petitioner
in all W.Ps'

:Mr.M.Ashok Kumar

For Respondents
1 to 5
in all W.Ps'

:Mr.A.Kannan
Addl.Govt.Pleader

For Respondent-6
in all W.Ps'

:Mr.J.Senthil Kumaraiah

COMMON ORDER

These Writ Petitions are filed for a Writ of Mandamus directing the fifth respondent to fix the survey stones for the plots assigned to the Petitioners to enable them to construct houses in their respective plots.

2.The Petitioners as landless poor were allotted lands in S. Nos.259/154, 136, 137, 138 and 259/B9 for the purpose of constructing houses. The Petitioners approached the Bank for loan to construct houses, but because the Government failed to allot specific portions with specific boundaries to them, the bank denied them loan. The Petitioners, therefore, approached the fifth respondent to survey the lands and to fix the survey stones for their plots so as to enable them to construct their houses. As the fifth respondent failed to initiate any action on the Petitioners'



representations, the Petitioners filed the above Writ Petitions for the aforesaid relief.

3.The learned Additional Government Pleader appearing for the respondents 1 to 5, on the basis of the counter filed by the respondents submitted that assignment orders for house site pattas issued to the Petitioners' were cancelled for non-compliance of the conditions of the assignment orders, specifically, condition No.2. The learned Additional Government Pleader further submitted that in the absence of a challenge to the cancellation orders passed by the third respondent, the prayer sought for in the Writ Petitions could not be entertained.

4.In reply, the learned counsel for the Petitioner's submitted that the Petitioners had no knowledge of the cancellation of assignment orders as the third respondent passed the said orders without notice to the Petitioners. The learned counsel submitted that the Petitioners were therefore justified in approaching the Court for the aforesaid relief.

5.I have heard the submissions made by the learned counsel appearing on either side and perused the materials placed before this Court.



6.The fact remains that the third respondent vide orders, dated 16.3.2023 cancelled the House site assignment orders issued to the Petitioners. Therefore, in the absence of a challenge to the said cancellation orders, the prayer sought in these Writ Petitions, for survey and demarcation of plots allotted to the Petitioners cannot be sustained.

7.In the light of the above facts, the Writ Petitions, are dismissed, with liberty to the Petitioners to challenge the Assignment Cancellation Orders, dated 16.03.2023, in the manner known to law. No costs.

11.12.2024

NSC :Yes/No
Index:Yes/No
Internet:Yes/No

vsn

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N.MALA, J.

vsn

COMMON ORDER MADE IN

**W.P(MD)NOs.9615 to
9632 of 2023**

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