



W.P(MD)Nos.20326 & 21392 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)Nos.20326 & 21392 of 2014 and
MP(MD) Nos.1 to 3 of 2014 and 1 & 2 of 2014

W.P(MD)Nos.20326 of 2014:-

Food Servers Welfare Association,
Kadayakkudi,
Neivasalpatti Vilakku Salai,
Sivapuram Post,
Thirumayam Taluk,
Pudukkottai District,
Rep by its President

... Petitioner

Vs

- 1.The District Collector,
Pudukkottai District.
- 2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai.
- 3.The Village President,
Kadayakkudi Village Panchayat,
Thirumayam Taluk,
Pudukkottai District.

...Respondents



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Food Servers Welfare Association,
Kadayakkudi,
Neivasalpatti Vilakku Salai,
Sivapuram Post,
Thirumayam Taluk,
Pudukkottai District,
Rep by its President

... Petitioner

Vs

- 1.The District Collector,
Pudukkottai District.
- 2.The Tahsildar,
Thirumayam Taluk,
Pudukkottai.
- 3.Thiru.S.R.Subbiah
The Tahsildar,
Thirumayam Taluk,
Pudukkottai.
- 4.The Village President,
Kadayakkudi Village Panchayat,
Thirumayam Taluk,
Pudukkottai District.

...Respondents

PRAYER in W.P(MD)Nos.20326 of 2014: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 herein to effect mutations in the revenue records for assignment and grant of patta for 192 plots granted to the members of the petitioner Association on



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23.02.1995 and consequently direct the third respondent herein to receive the property tax already collected from the members of the petitioner Association in S.No.1008/2 Kadayaukudi Village, Neivasalpatti Vilakku, Perungudi Village, Sivapuram Post, Thirumayam Taluk, Pudukkottai District within a reasonable time as may be fixed by this Court.

PRAYER in W.P(MD)Nos.21392 of 2014: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent herein in Na.Ka.No. 16200/2014/A3, dated 22.12.2014 published in Tamil Newspaper “Dinakaran” dated 23.12.2014 and quash the same and consequently forbear the second respondent herein from evicting the members of the petitioner Association from their respective patta land in S.No. 1008/2 Kadayakudi Village, Neivasalpatti Vilakku, Perungudi Village, Sivapuram Post, Thirumayam Taluk, Pudukottai District.

For Petitioners : Mr.B.Jameel Arasu

For Respondents : Mr.A.Baskaran

Additional Government Pleader

COMMON ORDER

The petitioner claiming to be the President of Food Servers Welfare Association has filed a writ petition in WP(MD) No. 20326 of 2014 in the year 2014 for a Mandamus, to direct the



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respondents 1 and 2 to effect mutation in the revenue records for assignment and to grant patta for 192 plots granted to the members of the petitioner Association on 23.02.1995.

2.The second writ petition in WP(MD) No.21392 of 2014 was filed by the same petitioner Association with a grievance that the respondents have affixed a notice, directing the members of the petitioner Association to vacate from their respective patta lands in Kadayakudi Village, Neivasalpatti Vilakku, Thirumayam Taluk, Pudukkottai District.

3.The petitioner Association was formed for the welfare of the servers employed on daily wages in small mess and restaurants in the locality of Thirumayam. Based on the representation submitted by the petitioner Association, the Government of Tamil Nadu has allotted 192 plots in S.No. 1008/2, Kadayakudi Village, Neivasalpatti Vilakku, Perungudi Village, Thirumayam Taluk, Pudukkottai District to the members of the



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petitioner Association on 22.02.1995 with certain conditions. They have put up houses and residing therein.

4.Though these writ petitions are pending from the year 2014, the respondents have not filed their counter affidavit so far. This Court, in order to ascertain the present condition of the members of the petitioner's association, directed the petitioner's counsel to furnish the details of list of its members with address, their avocation and their income by order dated 31.10.2023. The learned counsel appearing for the petitioner has not prepared to file any list of members as directed by this Court. However, he claims that the list of members has already been enclosed in the typed set of papers. It appears that the list enclosed in the typed set of papers is without even mentioning the address of the members.

5.Since the petitioner, who is the President of the Association has not come forward to furnish the details as directed by this Court, this Court, by order dated 09.11.2023 has directed the



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District Collector, Pudukkottai to look into this issue and ascertain the genuineness of the petitioner Association and its members and reasons for not filing the counter affidavit for the past nine years and file a report on the next date of hearing.

6. Even after this order was issued with a specific direction, the District Collector, Pudukkottai has not filed any report. The respondents have also not filed any counter affidavit in these writ petitions. However, the learned Additional Government Pleader based on the written instructions, which was provided by the Tahsildar, Tirumayam, dated 28.10.2023 submits that most of the petitioners are not residing in that area and their whereabouts are also not known. One Shanthi, W/o Mani, Kamalam W/o Karupppiah, Muthulakshmi W/o Sekar, Indirani, W/o Selvaraj are having their own houses. The learned Government Advocate further submits that the subject land is inam land and the Inamdar has filed an application in I.T.M.A 2/1997 before the Inam Tribunal/Sub Court, Pudukkottai and the same was dismissed by the Tribunal. As against



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the same, the Inamdar one K.V.Raman, S/o V.Kalyana Sundara Sastrigal has filed an appeal in S.T.A.No.4 to 10 of 1999 and the same is still pending before this Court. In view of the pendency of the above appeal before this Court, the respondents are not in a position to take any decision on the subject property.

7.This Court considered the rival submissions made and also perused the materials placed on record.

8.The petitioner Association was provided with 192 plots in S.No.1008/2, Kadayakudi Village, Neivasalpatti Vilakku, Perungudi Village, Thirumayam Taluk, Pudukkottai District. Though the members of the petitioner Association have been allotted with 192 plots, patta for the land has not been provided to them. They were also directed to vacate the land. Therefore, the petitioners have filed these writ petitions in the year 2014. As per the written instructions provided by the Government Pleader, it is revealed that most of the members of the petitioner's Association are not available



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and their whereabouts are also not known. Some of them are having houses on their own. The subject property is pending litigation before this Court in STA Nos.4 to 10 of 1999.

9.In view of the above, these writ petitions are disposed of with a liberty to the petitioner Association to submit a fresh representation with the available members to the District Collector, Pudukkottai within a period of four weeks from the date of receipt of a copy of this order. On receipt of such representation, the District Collector shall consider as to whether this petitioner Association is eligible for any free house, if so, the District Collector shall consider the same for an allotment of free house in accordance with terms of the scheme within a period of four months from thereon. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.01.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes
vrn



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To
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- 1.The District Collector,
O/o. the Collector Office,
Theni District,
Theni.
- 2.The Chief Educational Officer,
O/o. the Chief Educational Officer,
Paldurai Valagam,
Theni,
Theni District.
- 3.The District Educational,
Officer (Secondary),
O/o. the District Educational Officer(Secondary),
Uthamapalayam at Paldurai Valagam,
Theni, Theni District.



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B.PUGALENDHI, J.

vrn

Common Order made in
W.P(MD)Nos.20326 & 21392 of 2014 and
MP(MD) Nos.1 to 3 of 2014 and 1 & 2 of 2014

08.01.2024