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W.P.(MD) No.12657 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.01.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD) No.12657 of 2017

and

M.P.(MD) No.9763 of 2017

K.Thamilarasi (Died)
K.Ravichandran
[substituted *vide* order dated
18.01.2024 in W.M.P.(MD) No.
1844 of 2019]

... Petitioner

-vs-

- 1.The Secretary to the Government
Government of Tamilnadu
Revenue Department
Fort St.George, Chennai-600 009
- 2.The Director General of Police
Office of the Director General of Police
Dr.Radhakrishna Salai
Mylapore, Chennai-600 004
- 3.The District Collector
Sivagangai District
Sivagangai



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4.The Director of Vigilance and Anti Corruption
Greems Road
Chennai

5.The Superintendent of Police
Sivagangai District
Sivagangai

6.The District Revenue Officer
Sivagangai District
Sivagangai

7.The Special Tahsildar
Adi Dravidar Welfare
Devakottai
Sivagangai District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 7 herein to take necessary action on the basis of the petitioner's representation dated 23.07.2013 and 02.09.2014 in the light of the legal notice issued by the petitioner dated 05.07.2016, within the time stipulated by this Court.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.N.Satheesh Kumar
Addl. Govt. Pleader for R1, R3, R4, R6 & R7
Mr.R.Meenakshi Sundaram
Additional Public Prosecutor for R2 & R5



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ORDER

[Order of the Court was made by D.KRISHNAKUMAR, J.]

Prayer in this writ petition is to direct the respondents to take necessary action on the basis of the petitioner's representations dated 23.07.2013 and 02.09.2014 and the legal notice issued by her dated 05.07.2016, within the time stipulated by this Court.

2. According to the petitioner, the Government of Tamil Nadu with the noble object and for the benefit of the downtrodden people decided to allot vacant house sites to the Adi Dravidars, who are the residents of Themmapattu Village and accordingly, acquired the land in Survey Nos.3/5A and 3/5C in Kaatambur Village, measuring an extent of 2.20.0 Hectares. Thereafter, the Special Revenue Inspector of Adi Dravidar Welfare made a recommendation for allotment of free house sites to the beneficiaries of the Adi Dravidars on 24.03.1992. Based on the said recommendation, the seventh respondent issued free house site pattas to the Adi Dravidars and the same has been notified in the Sivagangai District Gazette on 31.12.1997. The grievance of the petitioner is that some ineligible persons, by creating bogus



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and fraudulent records, have got allotment of free house sites, which is meant only for Adi Dravidars. Seeking to take necessary action in this regard, the petitioner made representations to the respondents, but, no action has been taken on the representations. Hence, this writ petitions.

3. The District Collector / third respondent has filed a detailed counter affidavit, wherein in Paragraph No.10, it has been stated as follows:

“10.The Special Tahsildar (ADW), Devakottai had acquired the land an extent of 2.20.0 Hec. of dry land in S.No.3/5A, 5C in Kattampur village in Thiruppathur Taluk for the year 2002. The Special Tahsildar (ADW) Devakottai has also verified the genuiness of the petitioners and issue the House site patta to 138 eligible persons as follows:

- 1. House site patta issued to 83 persons for first time on 13.06.2006*
- 2. House site patta issued to 37 persons for Second time on 11.08.2006.*
- 3. House site patta issued to 18 persons for third time on 17.08.2007 and 02.06.2008 (Originally 120 plots were subdivided and later 18 additional plots were subdivided.)*



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The applicant has given a petition for taking necessary action to protect the beneficiaries, disposing the beneficiaries and illegal assignment of lands meant for Adi Dravidars.

The District Revenue Officer, Sivaganga has ordered to form a team as Tahsildar level for enquire the facts and report for taking further action. The team has reported that, out of 138 assignees, only 3 assignees were constructed the house and living their plots, 62 assignees have sold plots with Register documents to others. Remaining 73 assignees have not constructed the house till date. Other community people of 9 persons purchased and constructed the house in their purchased plots. It is a clear violation of the Assignment rules.

Based on the Tahsildar's report, 62 House site assignment pattas were cancelled for violaton of conditions vide this office proceedings W1/16886/13-1, dated 26.05.17 and also instructed the Tahsildar, Thiruppathur and the Special Tahsildar (ADW), Devakottai to evict the encroachment and also enquire the petitioners those who are asking House site assignment patta. The above action is being under process.”



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4. In view of the above statement, we direct the District Collector / third respondent to take necessary action for cancellation of the assignment pattas issued to the ineligible persons and take necessary action to evict the encroachments and recover the land in question, in the manner known to law. Such an exercise shall be completed within a period of six weeks from the date of receipt of a copy of this order.

5. It is made clear, this order is applicable only to the persons, who are not entitled for free house site pattas and not for others.

6. At this juncture, learned Additional Public Prosecutor appearing for the respondents 2 and 5, on instructions, submitted that a preliminary enquiry was also conducted by the Vigilance and Anti Corruption Department and it is recommended for initiation of departmental disciplinary proceedings as against the officials concerned, who are responsible for assignment of free house site patta to the ineligible persons.



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7. The above statement of the learned Additional Public Prosecutor is recorded. We hope that the District Collector / third respondent will initiate departmental disciplinary proceedings as against the officials concerned, based on the recommendation made by the fourth respondent.

8. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[D.K.K., J.]

[K.K.R.K., J.]

18.01.2024

(2/2)

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

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