



W.P.(MD) No.20742 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.20742 of 2017
and
W.M.P(MD)No.22752 of 2023

Mr.S.Arumugam

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Rep by its Secretary
Adi Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai-9.
- 2.The Commissioner,
National Commission for Schedule Caste
2nd Floor, Block-5
Shastri Bhavan
Chennai-6
- 3.The District Collector,
Office of District Collectorate,
Tirunelveli.
- 4.The District Revenue Officer,
Tirunelveli District,
Tirunelveli.



W.P.(MD) No.20742 of 2017

5.The Adidravidar Welfare Officer,
Office of District Collectorate,
Tirunelveli.

6.The Special Tahsildar,
Adidravidar Welfare Department,
Nanguneri
Tirunelveli District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.A/193/97 dated 27.09.2017 on the file of the respondent No.6 and quash the same as illegal and consequently for a direction directing the respondents to grant land allotment and patta to the petitioner in respect of the lands to an extent of 3 cents situated in Survey No.1020/1, 1021/1, 1022/1 Pashavoor, Radhapuram Taluk, Tirunelveli District, which were acquired for the purpose of granting house site patta to Adi Dravidar People within the time period stipulated by this Court.

For Petitioner	:	Mr.S.Rajasekar
For Respondents	:	Mr.B.Saravanan Additional Government Pleader



W.P.(MD) No.20742 of 2017

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ORDER

The writ petitioner aggrieved by an order passed by the sixth respondent dated 27.09.2017 is before this Court seeking to quash the said order and directing the respondents to grant allotment and patta in the name of the petitioner in respect of the Survey No.1020/1, 1021/1, 1022/1 to an extent of 3 cents situated at Pashavoor, Radhapuram Taluk, Tirunelveli District.

2.The petitioner would submit that he is a landless poor belonging to the Schedule Caste Community. The Government had acquired the lands under the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 in S.Nos.1020/1, 1021/1 and 1022/1 situated at Pazhavor, Radhapuram Taluk, Tirunelveli District, in the year 1998. These lands were allotted to 100 people each being entitled to 3 cents. In the mean while, the heirs of the original land owners instituted a case before this Court and the said case was allowed and on the appeal by the Government, the order of the learned single Judge was set aside. Subsequently, the unsuccessful land owners challenged the order before



W.P.(MD) No.20742 of 2017

the Hon'ble Supreme Court. The petitioner would further submit that he had sent a detailed representation on 14.10.2015 seeking allotment of land. However, the same was not considered. Therefore, he had filed a writ petition in W.P(MD)No.19716 of 2015 before this Court. The same was disposed of on 30.10.2015 with a direction to the fifth respondent to consider and pass orders on the representation within a period of eight weeks.

3.The respondents further did not comply with the order in its letter and spirit, without issuing notice to the petitioner nor conducting any enquiry, rejecting the claim of the petitioner. Therefore, the petitioner is before this Court.

4.A perusal of the impugned order would indicate that the impugned order was passed only on the ground that the petitioner's siblings have been allotted 3 cents each and his father and mother own an extent of 0.00077 Sq.mt., and both of them are no more. Therefore, the petitioner, who is a bachelor is not entitled to patta. The impugned order



W.P.(MD) No.20742 of 2017

would clearly show that no notice has been issued to the petitioner.

Therefore, the impugned order suffers from the vice of arbitrariness and the same has to be necessarily set aside. Accordingly, the impugned order in Na.Ka.No.A/193/97 dated 27.09.2017 passed by the sixth respondent is set aside. This Court directs the respondents to grant land allotment and patta to the petitioner in respect of the lands in Survey No.1020/1, 1021/1, 1022/1, after verifying the relevant records in the manner known to law. No costs. Consequently, connected miscellaneous petition is closed.

09.09.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

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W.P.(MD) No.20742 of 2017

P.T.ASHA, J.

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