



W.P.No.8412 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 29.08.2025

Pronounced on: 24.11.2025

CORAM

THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.8412 of 2023

and

W.M.P.No.8600 and 8602 of 2023

S.Vadivelsamy

... Petitioner

Vs.

1. District Collector,
Dharmapuri,
Dharmapuri District.

2. The Special Tahsildar,
Adhi Dravidar Welfare,
Dharmapuri Taluk and District.

3. The Village Administrative Officer,
A-Reddihalli Village,
Dharmapuri.

4. The Welfare Officer,
Backward and Minority Welfare Board,
Dharmapuri District,
Dharmapuri.

5. Mookamammal

... Respondents



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PRAAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order dated 03.02.2023 vide Na.Ka.No.1771/2023/Y-8 of the 4th respondent and to quash the same, consequently direct 2nd respondent to update the petitioner's details of plot No.32 for S.No.286, 312/2 to an extent of 0.03 acres in the name of the petitioner in online chitta of Amanireddihalli Village, Dharmapuri Taluk, Dharmapuri District.

For Petitioner : Mr.V.C.Janarthanan
for Mr.M.Selvam

For R1 to R4 : Mr.A.Selvendran,
Special Government Pleader

For R5 : No appearance

ORDER

The present writ petition is filed challenging the impugned order dated 03.02.2023 insofar as it finds that the assignment patta issued in favour of the petitioner's mother was bogus/fake pursuant to an enquiry made on the representation by the 5th respondent.



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2. Brief Facts:

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2.1. Property (private patta dry lands) comprised in Survey No.286 and 312/2, measuring an extent of 0.59.5 and 0.65.5 hectares, situated at Ammanireddihalli Village, Dharmapuri Taluk and District was acquired by the Government vide Award No.4/BC/8485 dated 29.03.1986 for the purpose of assigning lands to people belonging to Boyar Community (Most Backward) residing in the said region. Pursuant to the above acquisition, “free assignment house site patta” was issued to 67 beneficiaries admeasuring 3 cents or 1308 sq.ft., each. Possession was handed over to the beneficiaries in 1986 and 1993 along with assignment patta. Assignment patta was conditional, *inter alia* required beneficiaries on receiving "free house site patta" to construct a dwelling house within a period of 6 months thereof. Plot No.32, comprised in Survey No.286 and 312/2, measuring an extent of 0.03 acres, situated in Ammanireddihalli Village, Dharmapuri Taluk and District, (hereinafter referred to as "subject plot") under the said scheme was allotted to one



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Mrs.Mookammal measuring an extent of 0.03 acres.

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2.2. Petitioner would submit that after being assigned the subject plot his mother was in possession and enjoyment of the subject plot and executed a Will dated 22.11.1999 in favour of the petitioner. The said Will is stated to be registered. Petitioner would also submit that after his mother's demise, petitioner had been in continuous possession of the subject plot. In support thereof, he would submit that in the UDR Register his mother's name has been entered and he has been paying revenue tax and had obtained electricity connection in respect of the subject plot. Petitioner would further submit that he submitted an application on 06.12.2018 for transfer of patta in his name before the 2nd respondent in respect of the subject plot. 2nd respondent passed an order on 13.12.2018 directing patta be transferred in the name of petitioner. Despite the above order, revenue records of Amanireddihalli Village was not mutated. Aggrieved by the same, petitioner filed a writ petition in W.P.No.30592 of



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2022, wherein it was prayed that direction may be issued to update the petitioner's details in the name of petitioner in online chitta of Ammanireddihalli Village. This Court vide order dated 17.11.2022 directed 3rd respondent therein to implement the order passed by 2nd respondent therein within a period of 12 weeks, if there is no legal impediment.

2.3. Whiles, 5th respondent submitted a representation at the Public Grievance Meeting day dated 23.01.2023, wherein it was stated that the actual beneficiary was the 5th respondent and petitioner and his mother has encroached on the subject plot allotted to the 5th respondent. Pursuant to the above representation, 4th respondent has vide impugned order dated 03.02.2023, on enquiry with the petitioner and the 5th respondent found that the claim by both petitioner as well as the 5th respondent as beneficiaries under the Government Scheme which provided for allotment of "free house site patta" to Boyar Community was bogus and the pattas submitted in support of their claim is fake.



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2.4. It is this order of the 4th respondent which is the subject matter

in the present writ petition *inter alia* on the following grounds:

a) 4th respondent has erroneously passed the impugned order without considering the documents submitted by the petitioner.

b) 4th respondent passed the impugned order without properly appreciating the facts on hand.

c) 4th respondent also failed to consider the submissions and statements of the petitioner and his mother Mookammal before passing the impugned order.

d) 4th respondent failed to consider the Will executed by his mother in favour of the petitioner.

e) 4th respondent failed to consider that the petitioner is paying the revenue tax and the petitioner is under possession of Plot No.32.

3. To the contrary, learned counsel for respondents 1 to 4 would *inter alia* submit that patta was not issued to petitioner's mother.



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Petitioner herein and his parents did not belong to Boyar Community

instead they belong to Nadar Community which falls under Backward Class category. Free House Site Scheme was intended only for those belonging to Boyar Community, which falls under the category of Most Backward Class.

4. On a perusal of the impugned order dated 03.02.2023 the following reasons have been set out viz.,

a) Mookammal who was assigned patta under the above scheme had four children.

b) Mookammal's husband name was Shanmugaiah.

c) Documents submitted by petitioner would show that his father's name is shown as Shanmuga Nadar in the Aadhaar Card, Family Card , Mookammal's Death Certificate etc.

d) With regard to 5th respondent's claim it was found to be bogus since the 5th respondent Mookammal was stated to have no children by one Krishnan who claims to be her guardian and having taken care of the

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5th respondent for the last 17 years or so, that by itself led the 4th

respondent to find that the 5th respondent was not the actual beneficiary.

Further enquiry with the neighbour would also reveal that 5th respondent had been living in Hogennakkal and seeking alms and only for the last 6 months was living with her relatives.

5. This Court find merit in the submission of learned counsel for petitioner, for it it does not appear from the reading of the impugned order that the petitioner was not put on notice of the reasons stated supra to respond nor any enquiry has been conducted with the petitioner as to the genuineness of the documents submitted by the petitioner in support of his claim for assignment patta including UDR register, the receipts, etc. The impugned order not having afforded any opportunity to the petitioner to deal with the reasons which prompted passing of the impugned order suffers from violation of principles of natural justice.

6. In view thereof the impugned order is set aside. Respondents



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shall pass orders afresh as expeditiously as possible after holding an enquiry and after affording petitioner a reasonable opportunity of hearing.

It is open to the petitioner to submit their explanation/response along with the supporting documentary evidence, if any, in support thereof treating the impugned order as notice. Until the orders are passed, there shall be an order of status quo.

7. Accordingly, the writ petition stands disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

24.11.2025

Index : yes/no

Internet : yes/no

Speaking Order / Non-Speaking Order

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MOHAMMED SHAFFIQ J.

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