



WP NO. 20362 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-06-2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

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WP NO. 20362 of 2025

Mrs. Selvi .. Petitioner(s)

Vs

1. The District Collector,
Collectorate, Vengikkal,
Thiruvannamalai 606 604.
2. The District Adi Dravida Welfare Officer,
Collectorate, Vengikkal,
Thiruvannamalai 606 604
3. The Tahsildar,
Sengam (t.k)
Tiruvannamalai District.
4. The Special Thasildar,
Adi Dravida Welfare
Sengam (t.k)
Tiruvannamalai District.
5. Village Administrative Officer,
Kottakulam Village,
Sengam (t.k)
Tiruvannamalai (d.t.)
6. The Superintendent of Police,
Thiruvannamalai District,
District Police Office,
Vengkkal, Thiruvannamalai 606 604
(R6-suo motu impleaded as per the
order of this Court dt.13.06.2025) ... Respondent(s)

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Mandamus to direct the respondents to consider the representations dated 11.01.2023 to take possession of house site No.24 at Kottakulam Village.



For Petitioner(s) : Mr. Nithesh Kumar

For Respondent(s): Mr.S.J. Mohammed Sathik, GA
for R1 to R5
Mr.R.Kishore Kumar, GA (crl.side)-R6



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ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. Learned counsel for the petitioner submitted that 37 house sites were allotted for Adi Dravidas of Kottakulam Village by the Adi Dravida Welfare Department, Sengam Taluk, Thiruvannamalai District. The said 37 house sites were allotted by proceedings of the Special Tahsildar, Adi Dravida Welfare/4th respondent vide his proceedings in Na.Ka.K1/12691/2016 on 15.02.2017. The petitioner was allotted site No.24 under the above welfare scheme out of 37 house sites. Pursuant thereto, possession order was issued to the petitioner for an extent of 0.00.80 acres. Patta was also issued in the petitioner's name by the 3rd respondent. However, petitioner has not been given possession of the above house site till date. Similarly the 36 other allottees have also not taken possession of their respective house sites.

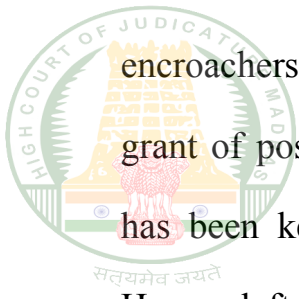
3. It is further submitted that as a matter of fact, originally, the above house sites comprised in S.No.78/1, 2A, 2B1, 2B2, 2B3 and 2B4 at Kottakulam Village were allotted to 35 beneficiaries on 09.08.2004 and when the 4th respondent came to know that the above stated beneficiaries have obtained allotments by suppressing the fact that they already own houses, allotments made in their favour were cancelled by the 2nd respondent on 15.03.2010. Thereafter, when the petitioner along with 36 schedule caste persons made a representation before the 1st respondent on



27.07.2025 on the grievance day before the District Collector, the same forwarded by the 1st respondent/ District Collector to respondents 2, 3 and 4.

4. Thereafter, the 4th respondent had identified the petitioner along with 36 others as eligible beneficiaries on 04.03.2016 under the above welfare scheme, pursuant to which, petitioner along with 37 other beneficiaries got allotment order.

5. It is the grievance of the petitioner that the earlier allottees are encroaching upon the house sites now allotted to the beneficiaries. That inspite of the request made by the beneficiaries, they are refusing to vacate the house sites. Seeking to evict the unauthorised encroachers, a common representation was made to the 1st respondent seeking to evict the encroachers with police protection and also permit her to take possession of the house site allotted to her and the same was forwarded to 2nd respondent to take necessary action, since there is no action on the part of the respondents, Mrs.Anjalai, who is one of the allottees filed W.P.No.12777 of 2021 before this Court seeking a direction to the 1st respondent to consider her representation dated 09.02.2018. In the said writ petition, this Court considering the fact that on violation of assignment conditions, pattas already granted to original allottees were cancelled and new pattas were granted to the 37 beneficiaries, gave a direction to the respondents to take steps to grant possession to the petitioner as expeditiously as possible. Since no action has been taken against the encroachers, Mrs.Anjalai once again filed W.P.No.34769 of 2022 to implement the High Court order, wherein, as per the direction of this Court, the 3rd respondent handed over possession of house site No.17 on 05.01.2023. However, the remaining house sites are still under the possession of the encroachers. Hence, the petitioner submitted a representation on 11.01.2023 to the respondents to take action to evict the



encroachers of house site No.24 which has been allotted to the petitioner and grant of possession of the house site allotted to the petitioner. However, the same has been kept pending by the respondent authorities without taking any action.

Hence, left with no other alternative, the petitioner has preferred the present writ petition.

6. The learned Govt. Advocate appearing for the respondents 1 to 5 would submit that the petitioner's representation would be considered and appropriate action would be taken after putting on notice the petitioners and the earlier allottees whose allotment had also been cancelled and those who are stated to be in illegal possession of the house sites. It is further submitted by the learned Government Advocate that in case police protection is required they would request the 6th respondent.

7. Mr.R.Kishore Kumar, learned Government Advocate (crl.side), appearing for the 6th respondent would submit that if any such request is made, adequate police protection will be provided by the Superintendent of Police, Thiruvannamalai District/6th respondent herein.

8. In view thereof, the writ petition stands disposed of with a direction to the respondents to consider the petitioner's representation dated 11.01.2023 and take appropriate action on the same after putting the petitioner and the earlier allottees and those who are in illegal possession of the house sites and any other interested parties/rival claimants, if any, on notice, within a period of eight (8) weeks from the date of receipt of a copy of this order. It is open to the official respondents to request for police protection before the 6th respondent for removing illegal encroachment, if any. If any such request is made, the 6th respondent is directed to provide adequate



police protection. It is made clear that this Court has not expressed any views regard to the merits of the case and it is open to the concerned respondent to consider the matter on its own merits and in accordance with law. No costs.

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Index:yes/no
Internet:yes/no
msr

To

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MOHAMMED SHAFFIQ, J.
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