



W.P.No.29362 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.29362 of 2025

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: Petitioner

Vs.

- 1.The District Collector,
Collectorate, Vengikkal,
Tiruvannamalai 606 604
- 2.The District Adi Dravida Welfare Officer,
Collectorate, Vengikkal,
Tiruvannamalai 606 604
- 3.The Tahsildar,
Sengam (t.k.), Tiruvannamalai
- 4.The Special Tahsildar,
Adi Dravida Welfare,
Sengam (t.k.), Tiruvannamalai
- 5.The Village Administrative Officer,
Kottakulam Village,
Sengam (t.k.), Tiruvannamalai
- 6.The Superintendent of Police,
Tiruvannamalai District,
District Police Office,
Vengkkal, Tiruvannamalai 606 604

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Mandamus directing respondents 4 and 5 to consider the petitioner's representation dated 11.01.2023 to take possession of house site at No.36 at Kottakulam Village, Sengam Taluk, Tiruvannamalai District .

For Petitioner : Ms.M.Adhi Shree,
for Mr.Nithesh Kumar

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R-1 to R-5

Mr.R.Kishore Kumar,
Government Advocate (Crl.Side)
for R-6

ORDER

By consent of learned counsel for 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.36 under the above welfare scheme out of 37 house



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sites. Pursuant thereto, possession order was issued to petitioner for an extent of 0.00.85 acres. Patta was also issued in petitioner's name by third respondent. However, petitioner has not been given possession of the above house sites 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.Nos.78/1, 2A, 2B1, 2B2, 2B3 and 2B4 at Kottakulam Village were allotted to 35 beneficiaries on 09.08.2004 and when the fourth 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 second respondent on 15.03.2010. Thereafter, when petitioner along with 36 other persons made a representation before first respondent on 27.07.2015 on the grievance day before the District Collector, the same was forwarded by first respondent/District Collector to respondents 2,3 and 4.

4. Thereafter, fourth respondent had identified petitioner along with 36 others as eligible beneficiaries on 04.03.2016 under the above welfare scheme,



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pursuant to which, petitioner along with 37 other beneficiaries got allotment order.

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5. It is the grievance of petitioner that the earlier allottees are encroaching upon the house sites allotted to the beneficiaries. That inspite of the request made by the beneficiaries, they are refusing to vacate the house sits. Seeking to evict the unauthorised encroachers, a common representation was made to first 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 second respondent to take necessary action, since there is no action on the part of respondents, Mrs.Anjali, who is one of the allottees filed W.P.No.12777 of 2021 before this Court seeking a direction to first 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, patta already granted to original allottees were cancelled and new pattas were granted to 37 beneficiaries, gave a direction to respondents to take steps to grant possession to petitioner as expeditiously as possible. Since no action has been taken against the encroachers, Mrs.Anjali once again filed W.P.No.34769 of 2022 to implement the order dated 27.07.2021 of this Court in the above writ petition, wherein, as per the direction of



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this Court, third respondent handed over possession of house No.17 on 05.01.2023. However, the remaining house sites are still under the possession of the encroachers. Hence, petitioner submitted a representation on 11.01.2023 to respondents to take action to evict the encroachers of house site No.36 which has been allotted to petitioner and grant of possession of the house site allotted to petitioner. However, the same has been kept pending by the respondent authorities without taking any action. Hence, left with no other alternative, petitioner has preferred the present writ petition.

6. The learned Special Government Pleader appearing for respondents 1 to 5 would submit petitioner's representation would be considered and appropriate action would be taken after putting on notice the petitioner 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 Special Government Pleader that in case police protection is required they would request the 6th respondent.

7. Mr.R.Kishore Kumar, learned Government Advocate (Criminal Side), appearing for the 6th respondent would submit that if any such request is made,



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adequate police protection will be provided by the Superintendent of Police,
Thiruvannamalai District/6th respondent.

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 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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Speaking (or) Non Speaking Order
Neutral Citation: Yes/No
mrn



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MOHAMMED SHAFFIQ, J.

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