



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.01.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 27483 of 2024

And

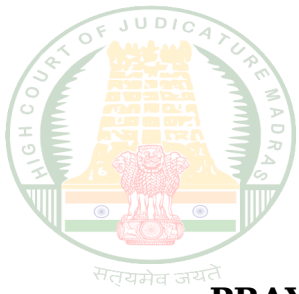
W.M.P.No. 29986 of 2024

Mrs. Latha

... Petitioner

..Vs..

1. The District Collector
Office of the District Collector
Cuddalore, Cuddalore District
Tamil Nadu
 2. The Thasildar
Office of the Thasildar
Bhuvanagiri
Bhuvanagiri Taluk
Cuddalore District.
 3. The Block Development Officer
Office of the Block Development Office
Mael Bhuvanagiri
Bhuvanagiri Taluk
Cadalur District.
 4. Mrs.Latha
 5. Lakshmi Kanth
- ... Respondents



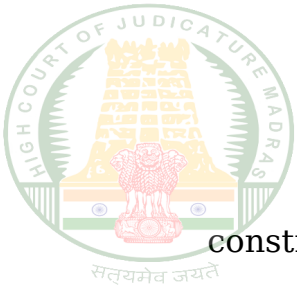
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PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus forbearing the respondents 1 to 3 from constructing free house under the Government Scheme for the fourth respondent in the petitioner's agricultural land at Survey No.81/8B at Agraalambadi Village, Bhuvanagiri Taluk, Cuddalore District and disburse any fund for the same considering the petitioner's objection petition dated 24.07.2024 and taking into the account of the letter of the Thasildar dated 09.08.2024 bearing reference Na.Ka.No.A7/889/2024.

For Petitioners	:: Mr. P.R.Thiruneelakandan
For RR 1 & 2	:: Mr. T.Chandrasekaran Special Government Pleader
For 3 rd respondent	:: Ms. P.Vijaya Devi Government Advocate
For 5 th Respondent	:: Mr.M.S.Gokulraj

ORDER

The Writ Petition has been filed in the nature of Mandamus seeking a restraint against the first to third respondents from constructing free house under the Government Scheme for the fourth respondent in the land at S.No. 81/8B at Agraalambadi Village, Bhuvanagiri Taluk, Cuddalore District. A further restraint is sought that the first respondent should not disburse any fund for putting up



construction. The petitioner had given an objection petition dated 24.07.2024.

2. In the affidavit filed in support of the Writ Petition, it had been stated that O.S.No. 259 of 2013 had been filed before the Principal District Munsif Court, by the petitioner herein against her husband and two others seeking partition of the property and to allot 2/3rd shares of the minor son and for a permanent injunction not to alienate the properties particularly the agricultural land at S.No. 81/8B measuring 71.50 ares. It is further contended that the suit was decreed in favour of the petitioner on 04.08.2024 and permanent injunction was specifically granted that the property should not be alienated. The final decree in I.A.No. 505 of 2024 is now pending before the said Principal District Munsif Court. It is contended that on 08.07.2024, the fourth and fifth respondents had been selected as beneficiaries under the Kalaigar Veedu Vazangum thittam issued under G.O.Ms.No. 70, Rural Development, Panchayat Raj Department, dated 15.03.2024 for construction of a permanent house for her dwellers.

3. This Writ Petition had been filed stating that the property is the same in which the final decree proceedings are still pending and



in which the petitioner has 2/3 rd shares. It had been chosen by the first to third respondents to put up a house at the expenses of the Government.

4. My attention is drawn to a letter issued by the third respondent, Block Development Officer at Bhuvanagiri in Na.Ka.No. A7/889/2024 wherein he had advised caution since the property is in dispute before the Civil Court and that therefore, it should not be chosen for the free housing construction scheme.

5. It is also contended on behalf of the respondents that the suit is pending but that the fifth respondent had purchased the property pending the suit and patta had also been issued in his name.

6. At any rate, since the final decree application is still pending, it would only be advisable that the respondents await orders passed in the final decree application and thereafter a decision can be taken. Till the final decree is disposed of, the respondents may not allocate any funds for putting up house construction in the disputed land which is the subject matter of I.A.No. 505 of 2024 in O.S.No. 259 of 2013 pending before the Principal District Munsif at Chidambaram.



7. The Writ petition stands disposed of. Consequently, connected Miscellaneous Petition stands closed. No order as to costs.

8. It is also informed that the name of the fourth respondent has been wrongly given. It is to be observed that even according to the documents available in the Court, the fourth respondent is actually Malliga. The said observation alone is made.

06.01.2025

vsg
Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

To

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C.V.KARTHIKEYAN, J.,

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