



W.P(MD)NO.17208 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :11.07.2025

CORAM:

THE HON'BLE MR JUSTICE S.SOUNTHAR

W.P(MD)No.17208 of 2025

and

W.M.(MD)No.13076 of 2025

Kanagalakshmi

... Petitioner

.Vs.

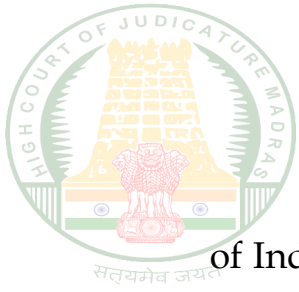
1.The District Collector,1.The District Collector,
Tenkasi,
Tenkasi District.

2.The District Backward Classes and Minorities
Welfare Officer,
Department of Backward Classes and Most Backward
Classes and Minorities Welfare,
Tenkasi,
Tenkasi District.

3.The Special Tahsildar(L.A),
District Backward Classes and
Minorities Welfare Office,
Tirunelveli.
Tenkasi,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution



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of India, praying this Court to issue a Writ of Certiorari calling for the records of the impugned order passed by the first respondent in Na.Ka.P4/COLR/3785/2022, dated 16.8.2023 and quash the same as illegal insofar as the Petitioner alone.

For Petitioner : Mr.R.J.Karthick

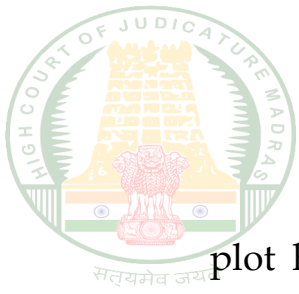
For Respondents : Mr.A.Baskaran
1 to 3 Addl.Govt. Pleader

ORDER

The Writ Petition is filed challenging the order passed by the first respondent cancelling the free house site patta issued to the Petitioner on the ground that the Petitioner failed to put up construction as per the assignment condition.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.It is not in dispute that the Petitioner was assigned with free house site patta with an extent of 120 sq.mts in Plot No.120 Survey Nos.49/1,2,3, 76/1A, Myparai Village, Thiruvengadam Taluk, Tenkasi District . The said assignment was cancelled by the impugned order, dated 16.8.2023 on the ground that the assigned



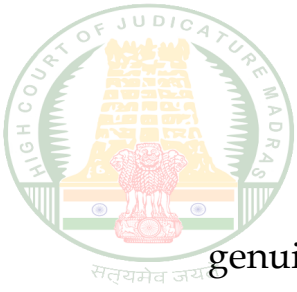
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plot had been kept as a vacant one violating the conditions of assignment. Aggrieved by the same, the Petitioner has come forward with the present Writ Petition for the relief stated supra.

4.The learned counsel for the Petitioner by drawing the attention of this Court to the building plan approval granted by the local authority, submitted that the building was already put up by the Petitioner in the subject property assigned to him and without noticing the same, the impugned order was passed.

5.In the building plan approval order included in the typed set of papers, the date of approval is not mentioned. Therefore The respondents are directed to file a report ascertaining the genuineness of the same and to find the present position of the subject property.

6.Today,when the Writ Petition is taken up for hearing, the learned Additional Government Pleader appearing for the respondents produced the letter of the first respondent dated 8.7.2025 along with a report of the Block Development Officer(Village Panchayats). Kuruvikulam Block, Tenkasi District, dated 23.7.2025. A perusal of the same would indicate that the Petitioner obtained building plan approval on 12.5.2022.The



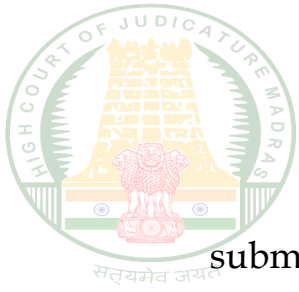
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genuineness of the building plan approval order has been ascertained by the respondents. It is further stated in the report of the Block Development Officer submitted before the first respondent that the Petitioner failed to put up construction as per the details contained in the building plan approval order but she simply put up a tin sheeted building and stored old items.

7. Therefore, from the report of the Block Development Officer relied on by the first respondent, it is clear as on today, there is a structure in the subject property with tin sheets. A perusal of the building plan approval order produced by the Petitioner would indicate that he got approval for construction of a building with machinery wall and tin sheeted roofing but as on today constructed a structure with tin sheeted roof and side walls. In any event, as on today there is a structure available in the subject property and the same is used by the Petitioner by storing old items. From the report submitted by the Block Development Officer, it is clear that the Petitioner has obtained building plan approval even prior to the impugned order.

8. Therefore the impugned order passed by the first respondent on the ground that the Petitioner kept the assigned property as a vacant site is not correct in the light of the report



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submitted by the Block Development Officer to the first respondent.

9. Accordingly, the impugned order passed by the first respondent is set aside insofar as the Writ Petitioner is concerned and the Writ Petition stands allowed accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

11.07.2025

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn
To

1.The District Collector,
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Tenkasi District.

2.The District Backward Classes and Minorities
Welfare Officer,
Department of Backward Classes and Most Backward
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S.SOUNTHAR.,J.

vsn

ORDER MADE IN
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and
W.M.(MD)No.13076 of 2025

11.07.2025