



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-03-2026

CORAM

THE HONOURABLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 33349 of 2022

1.Maheshwari,
W/o.Raja,
Door No.75, Ward No.4,
Samathuvapuram Athanur Village,
Rasipuram Taluk, Namakkal District.

2.Raja,
S/o.Varuthan,
Door No.75, Ward No.4,
Samathuvapuram Athanur Village,
Rasipuram Taluk, Namakkal District.

Petitioner(s)

Vs

1.The District Collector,
Namakkal District, Namakkal.

2.The Director,
District Rural Development Agency,
Namakkal, Namakkal District.

3.The Block Development Officer (V.P),
vennathur Block, Namakkal District.

4.The Special Tahsildar,
Adidraavidar Welfare, Namakkal,
Namakkal District.

5.The SC and ST Welfare Officer,
Namakkal, Namakkal District.



6.Jabar Ali,
S/o.Abdul Mannar, 2-C-B, Kannadiyan
Naidu Street, Rasipuram,
Namakkal District.

7.Sundaram,
S/o.Perumal, Door No.27, Ward No.4,
Samathuvapuram, Athanur Village,
Rasipuram Taluk, Namakkal District.

Respondent(s)

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, praying for an issuance of Writ of Mandamus, to direct the respondents 1 to 5 to handover the possession and allotment of the House No.27, Ward No.4, Samathuvapuram, Athanur Village, Rasipuram Taluk, Namakkal District to the petitioners.

For Petitioner(s): Mr.K.Balaji

For Respondent(s): Mrs.S.Anitha
Special Government Pleader
For R1 to R5
Mr.P.Mathivanan For R6
No Appearance For R7

ORDER

This writ petition has been filed seeking to direct the respondents 1 to 5 to handover the possession and allotment of the House No.27, Ward No.4, Samathuvapuram, Athanur Village, Rasipuram Taluk, Namakkal District to the petitioners.



2.Learned counsel for the petitioner would submit that under the SC & ST Welfare Scheme, the petitioner was allotted with the house premises bearing Door No.75, Ward No.4, Samathuvapuram, Athanur Village, Rasipuram Taluk, Namakkal District. While so, one Selvaraj, who was the original allottee of the said house filed a suit in O.S.No.99 of 2014 for recovery of possession of the said property before the District Munsif, Rasipuram against the official respondents and obtained *ex parte* decree on 06.06.2016. Pursuant to the *ex parte* decree, an execution petition was filed and delivery warrant was issued against the official respondent. Challenging the same, the petitioner has filed the petition for condonation of delay in filing appeal in CMP.No.5549 of 2022 in CMA Sr.No.29367 of 2022.

3.By referring the order dated 18.07.2022 made in CMP.No.5549 of 2022, the learned counsel for the petitioner would submit that there is a direction to allot the house premises at Door No.27 in favour of the petitioner's husband and it has been recorded by this court in its order dated 18.07.2022 and the petitioner has also made a representation dated 26.07.2022 to the official respondents requesting to handover the possession of House No.27. However, the petitioner received a reply stating that the said house was sold by the 6th respondent to the 7th respondent. Hence, the present writ petition has been filed seeking to direct the respondents 1 to 5 to handover the possession and



allotment of the House No.27, Ward No.4, Samathuvapuram, Athanur Village, Rasipuram Taluk, Namakkal District to the petitioners.

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4.Learned counsel appearing for the 6th respondent submits that the petitioner has already filed a suit in O.S.No.122 of 2017, seeking to declare the judgment and decree made in O.S.No.99 of 2014 dated 06.06.2015 as null and void and the same is pending. Under such circumstances, the petitioner has filed the present writ petition.

5.At this juncture, learned counsel for the petitioner by referring paragraph No.4 of the order made in CMP.No.5549 of 2022 dated 18.07.2022, would submit that the petitioner is entitled for allotment of House No.27, Ward No.4, Samathuvapuram, Athanur Village, Rasipuram Taluk, Namakkal District.

6.Heard the learned counsel for the petitioner; learned Special Government Pleader appearing for the respondents 1 to 5 and the learned counsel appearing for the 6th respondent.

7.For better appreciation Paragraph No.4 of the order made in CMP.No.5549 of 2022 dated 18.07.2022 is extracted hereunder:-

“4.It is also submitted by the learned counsel for the appellant that the appellant has been in possession of the suit property for a considerable period of time and therefore, the



appellant is entitled to continue to be in possession and the dismissal of the obstruction petition is without basis. Since there was a specific defense taken that there was an allotment in favour of the appellant by the Board, this Court called upon the Government Pleader to bring the files relating to the allotment. A perusal of the files would indicate that the allotment in favour of the first respondent had taken place as early as in the year 1999. On 27.05.1999, Selvaraj/first respondent has also mortgaged the suit property with the Rasipuram Taluk Cooperative Housing Welfare Society for obtaining loan for putting up construction. On 15.07.2010, there is a communication dated 15.07.2010 in கு.கோ.எண்/டி1/15132/10, in which, the Collector has directed that Door No.75 to be handed over back to the first respondent and to allot Door No.27 to Raja, the husband of the appellant herein. Since the possession had not been handed over to the first respondent, he has filed the suit in question and obtained a decree in his favour. It is that decree, which is now sought to be executed and in respect of which, orders of break open has been ordered. The plaintiff has also filed a suit in O.S.No.122 of 2017 and the same is pending. The first respondent who has obtained a decree as early as in the year 2015 is yet to enjoy the fruits of the same. The appellant who has no right over the suit property has successfully prevented the decree holder from taking possession of the property. The delay has not been properly explained and the reasons given in the affidavit filed in support of the condone delay petition is rather vague and inadequate.”



8.Considering the submissions made by the both the parties, this Court is of the view that this Court in CMP.No.5549 of 2022 dated 18.07.2022 has recorded that the Collector has directed the petitioner to handover the house premises at Door No.75 and to allot Door No.27 to the petitioner herein. However, now the issue is that the house premises at Door No.27 has already been sold by the 6th respondent to the 7th respondent. The issue regarding the entitlement of the subject house premises cannot be decided in the present writ petition. Since the petitioner has already filed a suit in O.S.No.122 of 2017, which is pending before the District Munsif, Rasipuram, the petitioner has to agitate the issue before the said Civil Court. Unless and otherwise the petitioner's right is decided, no mandamus can be granted as prayed for in this writ petition.

9.In view of the above, this writ petition stands dismissed. No costs.

27-03-2026

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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