

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.11233 of 2015
and
M.P.No.1 of 2015

R.Nanjundeeswaran

.. Petitioner

- Vs -

1. The District Collector,
Tirupur,
Tirupur District.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Pollachi.
3. The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Kangayam, Erode District.

.. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus forbearing the respondents from acquiring the petitioner patta land comprised in western portion of Survey No.462/1A, Kannamanaickanur I Village, Udumalpet Taluk, Tirupur District measuring about 2.02 acres without following due process of law.

Petitioner : Mr.N.G.R.Prasad,
M/s.Row and Reddy
For Respondents : Mr.Rm.Muthukumar,
Government Advocate

ORDER

By consent, the writ petition is take up for final disposal.

2. The petitioner claims that he is the owner of the property situated in Survey No.462/1A measuring an extent of 4 acers situated at Kannamanaickanur I Village, Udumalpet Taluk, Tirupur District. When the said lands were acquired, out of 4 acers land, an extent of 0.80 hectare (1.98 acers) was acquired by the second respondent for Adi Dravidar Welfare Scheme in the year 1995. Subsequently an Award

in Award No.26/95-96 was passed on 29.03.1996 and the award amount was also paid. The petitioner filed an appeal in C.M.A.No.1 of 2015 before the Sub Court, Udumalpet seeking enhancement of compensation and the same was allowed on 13.03.2008 and the second respondent was directed to pay Rs.2,04,930/- and it was also paid to the petitioner. The petitioner further states that for the remaining land a separate patta was issued to him and he is using the said land for agricultural purposes even till date. The petitioner would further claim that he uses the western portion of the above said land measuring 2 acres for agricultural operations and the EC also without any change or any transaction stands in his name. The petitioner would further state that in the said western portion of land one well and underground pipeline of Parambikulam Aliyar Project has also been laid. The grievance expressed by the petitioner is that without resorting to any proceedings, the said land is sought to be acquired and in this regard, he submitted a representation dated 13.04.2015 to the first respondent and in spite of receipt of the same, every action has been taken to dispossess him from the said land. Hence, he came forward with this writ petition.

3. Mr.N.G.R.Prasad, learned counsel appearing for the petitioner would submit that without resorting to any proceedings, the above said land is sought to be acquired / dispossessed and therefore prays for appropriate orders restraining the respondents from doing so.

4. Mr.Rm.Muthukumar, learned Government Advocate accepts notice for the respondents 1 and 2 and would submit that the first respondent will consider and dispose of the representation submitted by the petitioner in accordance with law within a stipulated time frame.

5. Though the petitioner prays for a larger relief, in the facts and circumstances of the case, this Court is of the view that it would be suffice to direct the first respondent to dispose of the representation dated 13.04.2015 submitted by the petitioner on merits and in accordance with law after providing opportunity of personal hearing to the petitioner and pass orders as expeditiously as possible and not later than two months from the date of receipt of a copy of this order and till then, the status quo as exists today shall be maintained. The first respondent is further directed to communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. Consequently the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tirupur,
Tirupur District.

2. The Special Tahsildar,
Adi Dravidar Welfare,
Pollachi.

3. The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Kangayam, Erode District.

+ 1 cc to M/s. Row & Reddy, Advocate SR.21141
+ 1 cc Government Pleader Sr.21240

KM(CO)
EU 05.05.2015

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