

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.04.2015

CORAM:

THE HONOURABLE MR.JUSTICE V.DHANAPALAN
AND
THE HONOURABLE MR.JUSTICE R.S.RAMANATHAN

Writ Appeal No.1663 of 2010

&

M.P.No.1 of 2010

1. The Government of Tamil Nadu,
rep. by the Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai-9.
2. The District Collector,
Madurai District.
3. The Special Tahsildar,
(Land Acquisition),
Adi Dravidar Welfare Unit-II,
Madurai.

...Appellants

Vs.

1. Panayamma
2. Durairaj
3. Rathinam
4. Ravichandran

...Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 22.12.2009 passed by the learned single Judge of this Court in W.P.No.34140 of 2005.

The writ petition filed under Article 226 of the Constitution of India praying for a writ of Certiorari to call for the records of the first respondent relating to G.O.Ms.No.123, Adi Dravidar and Tribal Welfare Department dated 04.10.2004 relating to Lands in Survey No.589/3A5 of an extent of 3.19.5 hectares and Survey No.578/1A1 of an extent of 0.10.5 totalling to 5.30.00 hectares in

Karungalakkudi village, Melur Taluk, Madurai District and quash the same.

For appellants : Mr.S.Gomathinayagam,
Addl. Advocate General, assisted by
Mr.R.Rajeswaran,
Special Government Pleader

For respondents : Mr.K.Anbarasu

JUDGMENT

(The Judgment of the Court was delivered by V.Dhanapalan,J)

Heard Mr.S.Gomathinayagam, learned Additional Advocate General, assisted by Mr.R.Rajeswaran, learned Special Government Pleader appearing for the appellants/State and Mr.K.Anbarasu, learned counsel appearing for the respondents (land owners-writ petitioners).

2. The appellants/State calls in question the order of the learned single Judge made in W.P.No.34140 of 2005, dated 22.12.2009, whereby, in respect of the prayer of the land owners (writ petitioners) (respondents herein) for issuance of a Writ of Certiorari to call for the records of the first appellant relating to G.O.Ms.No.123, Adi Dravidar and Tribal Welfare Department, dated 04.10.2004 relating to the lands in Survey No.589/3A5 of an extent of 3.19.5 hectares and Survey No.578/1A1 of an extent of 0.10.5 hectares, totalling 3.30.00 hectares in Karungalakkudi Village, Melur Taluk, Madurai District and to quash the same, the learned single Judge allowed the Writ Petition and quashed the said G.O.

3. It is seen that the respondents/writ petitioners filed the Writ Petition stating that they are the absolute owners of the properties in the said survey numbers, which are valuable lands, which would fetch at least Rs.25,000/- per cent as fair market price, that the appellants sought to acquire the said lands for providing house-sites for Adi Dravidar under the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978. The land acquisition process went on as per the provisions of the said Act and ultimately, the compensation was determined by the authorities and aggrieved by fixation of the same by the concerned Sub-Court, the Second Appeals were filed before this Court by the third appellant and based on the interim order of stay granted in those Second Appeals, the writ petitioners filed Execution Petitions and that the Government issued the impugned G.O., in which direction was issued to

take back the compensation already paid to the land owners/writ petitioners and the land acquisition proceedings were ordered to be removed, against which, the Writ Petition was filed by the writ petitioners and the learned single Judge allowed the same and quashed the said G.O., against which, the State is on appeal before us.

4. It is a matter for consideration on legal issues and the learned single Judge went on to decide the matter as per law, which is not disputed by the learned Additional Advocate General appearing for the appellants. The Government's decision by the impugned G.O. is sought to be quashed before the Writ Court, and the same was quashed by the learned single Judge on the ground that the special enactment, namely the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act No.31 of 1978 does not provide for re-conveyance and therefore, the G.O. is bad. Now, the learned Additional Advocate General appearing for the appellants concedes this legal position as determined by the learned single Judge and states that there is no provision in the said special enactment permitting the Government to re-convey the lands acquired or take back the compensation already paid.

5. Therefore, the impugned order under which the said G.O. has been quashed by the learned single Judge, is based on the provisions of the said Act and various decisions of this Court and also the decision of the Apex Court, which need not be interfered with by this Court in this Writ Appeal, as the same is in accordance with law. The above position is noticed by the learned counsel appearing for the respondents/writ petitioners/land owners.

6. Hence, we are of the considered opinion that the view taken by the learned single Judge is legally valid and the Writ Appeal filed by the State, deserves no merit consideration and the same has to be dismissed. Accordingly, we dismiss this Writ Appeal. No costs. The Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

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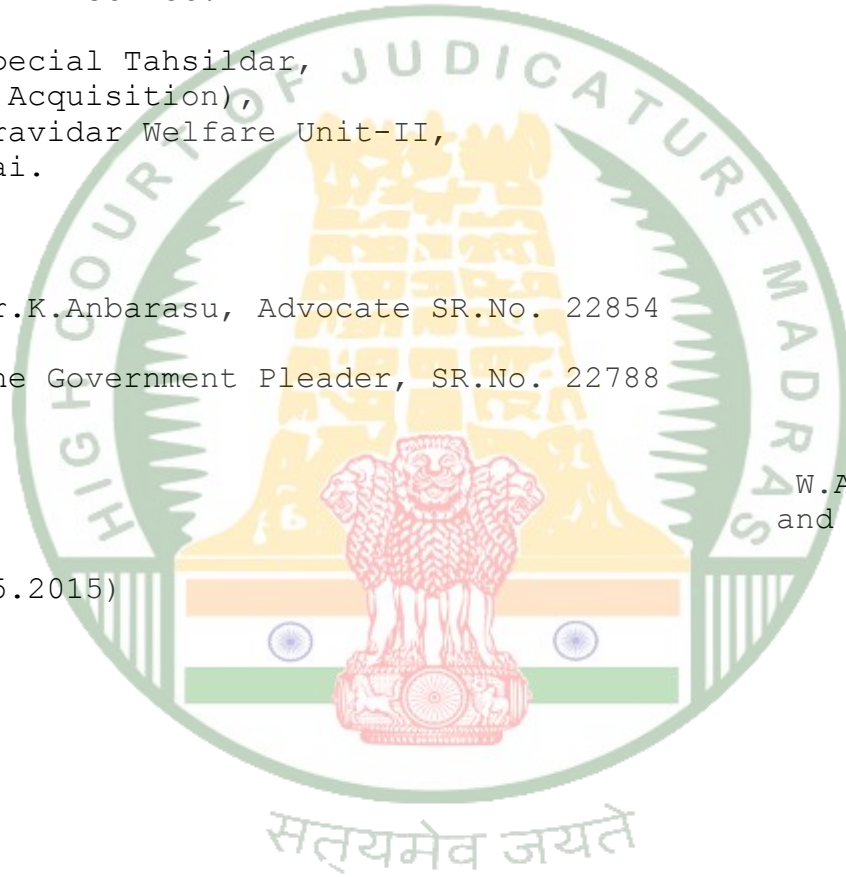
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Adi Dravidar Welfare Unit-II,
Madurai.

1 CC to Mr.K.Anbarasu, Advocate SR.No. 22854

1 CC to the Government Pleader, SR.No. 22788

RSK (CO)
PSI (18.05.2015)

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