

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

CORAM

THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

WP.No.4077 of 2015

Deivamaniganapathy

.... Petitioner

Versus

- 1.The Secretary,
Adidraavidar Welfare Department,
Secretariat,
Chennai-600 009.
- 2.The Commissioner,
Adidraavidar Welfare Department,
Chennai-600 005.
- 3.The Secretary,
Tamil Development Religious and I Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-9.
- 4.The Commissioner,
Hindu Religious and Charitable Endowment
Board, Nungambakkam,
Chennai-600 034.
- 5.The District Collector,
Perambalur District,
Perambalur.
- 6.The District Revenue Officer,
Perambalur District,
Perambalur.
- 7.The District Adi-Dravidar Welfare Officer,
Perambalur District,
Perambalur.
- 8.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Board, Trichy.

9.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Board, Ariyalur. ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the sixth respondent to invoke the provisions of Tamil Nadu Acquisition of Land(for Harijan Welfare) Act 1978 to acquire the lands from S.No.115/1 to 3 of Athiyur Village, Kunnam Taluk, Perambalur District.

For Petitioner : Mr.R.Murali

For RR1,2,5,6 & 7 : Mr.R.Lakshmi Narayanan, AGP

For RR3, 4, 8 & 9 : Mr.K.V.Dhanapalan,
Additional Government Pleader

ORDER

By consent of the learned counsel on either side, the writ petition is taken up for final disposal and perused the materials placed on record.

2. Heard Mr.R.Murali, learned counsel appearing for the petitioner, Mr.R.Lakshmi Narayanan, learned Additional Government Pleader appearing on behalf of the respondents 1,2,5,6 & 7 and Mr.K.V.Dhanapalan, learned counsel appearing on behalf of the respondents 3, 4, 8 & 9.

3. The petitioner has filed this writ petition to direct the sixth respondent to invoke the provisions of Tamil Nadu Acquisition of Land (for Harijan Welfare) Act 1978 to acquire the lands from S.No.115/1 to 3 of Athiyur Village, Kunnam Taluk, Perambalur District.

4. It is not in dispute that the lands are owned by the Hindu Religious and Charitable Endowment Department and the Department was resisting the acquisition of lands and in this regard the Commissioner of Hindu Religious and Charitable Endowment Department had also addressed certain communications to the Government as well as the District Collector.

5. However, the District Collector, on examination of the entire factual aspects and after taking into consideration the place where the land is located, pointed out that the Temple lands are situated in close proximity of the thickly populated

Adi Dravidar habitation and therefore a request has been sent to the Commissioner, Hindu Religious and Charitable Endowment Department, to reconsider the decision. In fact, such averments has been made by the District Collector in his counter affidavit. Further, in paragraph 13 of the counter affidavit filed by the District Collector, it is stated as follows:

'13.It is submitted that earnest steps have already been initiated by the fifth respondent to acquire 4.00 acres of lands out of 3.75.5 hectares of lands comprised in S.F.No.115/1, 115/2 and 115/3 situated at Athiyur Village from Hindu Religious and Charitable Endowment Department to Adidraavidar Welfare Department on payment basis as per rule in vogue to grant free house site pattas to the Adidraavidars of Athiyur Village''.

6. In the light of the above, the prayer sought for by the petitioner has been virtually conceded by the fifth respondent.

7. The learned counsel for the petitioner has submitted that some time frame may be fixed so as to complete the process.

8. Accordingly, this Court is of the view that the reasonable time should be granted, since the lands are not owned by the Government and it is in the control of the Hindu Religious and Charitable Endowment Department. Therefore, the fifth respondent shall endeavour to complete the formalities to enable him to commence the acquisition process, not later than six months from the date of receipt of a copy of this order.

9. The writ petition is disposed of on the above terms. No costs.

-s/d-
सत्यमेव जयते Assistant Registrar

True Copy

WEB COPY
Sub-Assistant Registrar

To
1.The Secretary,
Adidraavidar Welfare Department,
Secretariat,
Chennai-600 009.

- 2.The Commissioner,
Adidraavidar Welfare Department,
Chennai-600 005.
- 3.The Secretary,
Tamil Development Religious and I Department,
Government of Tamil Nadu,
Fort St. George,
Chennai-9.
- 4.The Commissioner,
Hindu Religious and Charitable Endowment
Board, Nungambakkam,
Chennai-600 034.
- 5.The District Collector,
Perambalur District,
Perambalur.
- 6.The District Revenue Officer,
Perambalur District,
Perambalur.
- 7.The District Adi-Dravidar Welfare Officer,
Perambalur District,
Perambalur.
- 8.The Joint Commissioner,
Hindu Religious and Charitable Endowment
Board, Trichy.
- 9.The Assistant Commissioner,
Hindu Religious and Charitable Endowment
Board, Ariyalur.

+1 cc to Government pleader sr.68291
+1 cc to M/s.R.Murali, Advocate sr.68214

WEB COPY

WP.No.4077 of 2015

aa29/12/2015