

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 24.02.2015

CORAM

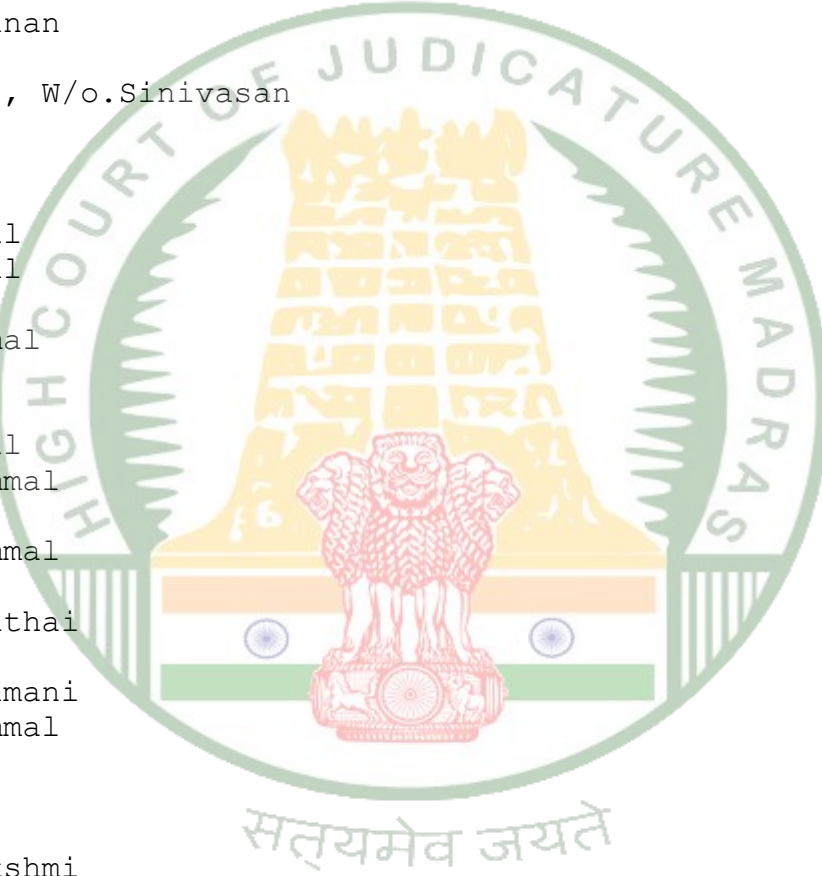
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

WP.No.4619 of 2015

and

M.P.No.1 of 2015

- 1.S.Karuppanan
- 2.Karuppal
- 3.Veerammal, W/o.Sinivasan
- 4.Vijaya
- 5.Subpammal
- 6.Rani
- 7.Chellammal
- 8.Baraththal
- 9.Maakali
- 10.Kaliyammal
- 11.Saroja
- 12.Lakshmi
- 13.Pattammal
- 14.Muththammal
- 15.Mallika
- 16.Karuppammal
- 17.Theival
- 18.Chinnaththai
- 19.Kamalal
- 20.Chinnaramani
- 21.Karuppammal
- 22.Velammal
- 23.Kavery
- 24.Nagammal
- 25.Muthulakshmi
- 26.Pushpam
- 27.Veerammal, W/o.Palani
- 28.Rajammal
- 29.Arammal
- 30.Valliyammal
- 31.Veerathal
- 32.Pappammal
- 33.Mayilala
- 34.Sarasu
- 35.Nasammal
- 36.Chinnammal
- 37.Selvi



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38.Veerammal, W/o.Thirumalaisamy

39.Durkaiyammal

40.Dhanam

41.Chellammal

42.Krishnaveni

43.Lakshmi

44.Selvi

45.Ponnathal

46.Chinnal

47.Selvi

48.Sarasu

49.Rathna

50.Saraswathi

51.Banu

52.Rani

53.Sarasal

54.Kuppammal, W/o.Appasi

55.Muthammal

56.Kuppammal W/o.Karuppan

.... Petitioners

Versus

1.The State of Tamil Nadu,
rep.by its Secretary to the Government,
Department of Adi-Dravidar and Tribal
Welfare
Secretariat,
Fort St.George,
Chennai-600 009

2.The District Collector,
Tiruppur District

3.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare,
Kankeyam Taluk,
Tiruppur District.

4.Junior Engineer(Grade I),
Tamil Nadu Electricity Generation
and Distribution Circle,
Tharapuram,
Tiruppur.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for a writ of mandamus to direct the respondents herein to take appropriate action for issuance of Pattas to the petitioners herein by adopting the procedure under Tamil Nadu Acquisition of Land

for Harijan Welfare Scheme Act 1978 in respect of the land in SR.No.344/2 of Chithravuthanpalayam Village, Kondarasanpalayam Post, Tharapuram Taluk, Tiruppur, on the basis of the representation dated 27.10.2014 within the time frame fixed by this Court.

For Petitioners : Mr.S.Sathyachandran for
Mr.S.Rajanikanth

For Respondents :Mr.R.Vijayakumar,A.G.P.
for R1 to R3
No appearance for R4

ORDER

Heard Mr.S.Sathyachandran, learned counsel for the petitioners and Mr.R.Vijayakumar, learned Additional Government Pleader appearing for respondents 1 to 3 and with the consent of parties, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioners, who are 56 in number, claimed to be residing in Jeeva Colony (Arunthathiyar Colony), Chithravuthanpalayam Village, Tharapuram Taluk, Tiruppur District and they filed this writ petition seeking for a direction to grant patta in their favour, by following the procedure under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act (31 of 1978), in respect of the land in S.No.344/2 of Chithravuthanpalayam Village, by considering their representation, dated 27.10.2014.

3. It is stated that earlier the State Government acquired lands for the purpose of allotting the same to the persons belonging to the Schedule Caste community of the area, vide, G.O.Ms.(3D) 401/Adi-Dravidar and Tribal Welfare Department, dated 25.5.1993, under Section 4(1) of the Land Acquisition Act, followed by a declaration under Section 6 in G.O.Ms.(3D) 406, Adi-Dravidar and Tribal Welfare Department, dated 16.06.1994. The said lands were owned by one Duraisamy and Mani. Those two land owners joined together and filed a writ petition before this Court in W.P.No.3353 of 1995 to quash the acquisition proceedings initiated pursuant to the aforesaid Government Orders.

4. This Court, by order dated 13.11.2000 allowed the writ petition holding that the respondents initiated land acquisition proceedings for providing housing sites for houseless Adi Dravidars under the Land Acquisition Act (Central Act) and in the light of the decision of the Supreme Court, in State of Tamil Nadu vs. Ananthiammal (AIR 1995 SC 2114), upholding the validity of the Tamil Nadu Act 31 of 1978, after the said date, namely, 22.11.1994, it would not be open to the respondents to continue acquisition proceedings and pass award under the provisions of the Land

Acquisition Act (Central Act). On the said ground, the acquisition proceedings were quashed and the writ petition was allowed.

5. The petitioners claim that they are all persons residing in the said place and they got various records to prove that they are in possession of a meager extent of land comprised in the said land. It is seen that when some of the petitioners approached the Electricity Board for grant of electricity supply for their house sites, they were orally informed that pursuant to the order passed by this Court in W.P.No.3353 of 1995, the proceedings issued in favour of the residents of the area, deciding to grant patta, has been cancelled.

6. It is submitted by the learned counsel for the petitioners that this Court, while quashing the acquisition proceedings, under the Land Acquisition Act (Central Act), did not go into the merits of the proceedings, but quashed the proceedings on technical ground that the State Government cannot continue the acquisition proceedings and pass award under the provisions of the Central Act, when the provisions of the State Government, namely, Act 31 of 1978, was upheld by the Supreme Court. Therefore, it was left open to the Government to proceed with the acquisition under the provisions of Act 31 of 1978. With these facts, the petitioners have submitted a representation to the respondents and they seek for grant of patta in respect of the lands in question.

7. Since the writ petition is disposed of at the admission stage, the merits of the allegations made by the petitioners are not gone into, but suffice to direct respondents 2 and 3 to consider the representation of the petitioners dated 27.10.2014, after hearing the representatives of the petitioners as well as the land owners, who had earlier filed the writ petition, namely, Duraisamy and Mani and submit appropriate recommendation to the first respondent for consideration, on merits and in accordance with law. The above direction shall be complied with within a period of three months from the date of receipt of a copy of this order.

8. The writ petition is disposed of accordingly. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To

1. Secretary to the Government,
The State of Tamil Nadu,
Department of Adi-Dravidar and Tribal
Welfare
Secretariat,
Fort St.George,
Chennai-600 009

2.The District Collector,
Tiruppur District

3.The Special Tahsildar,
Adi-Dravidar and Tribal Welfare,
Kankeyam Taluk,
Tiruppur District.

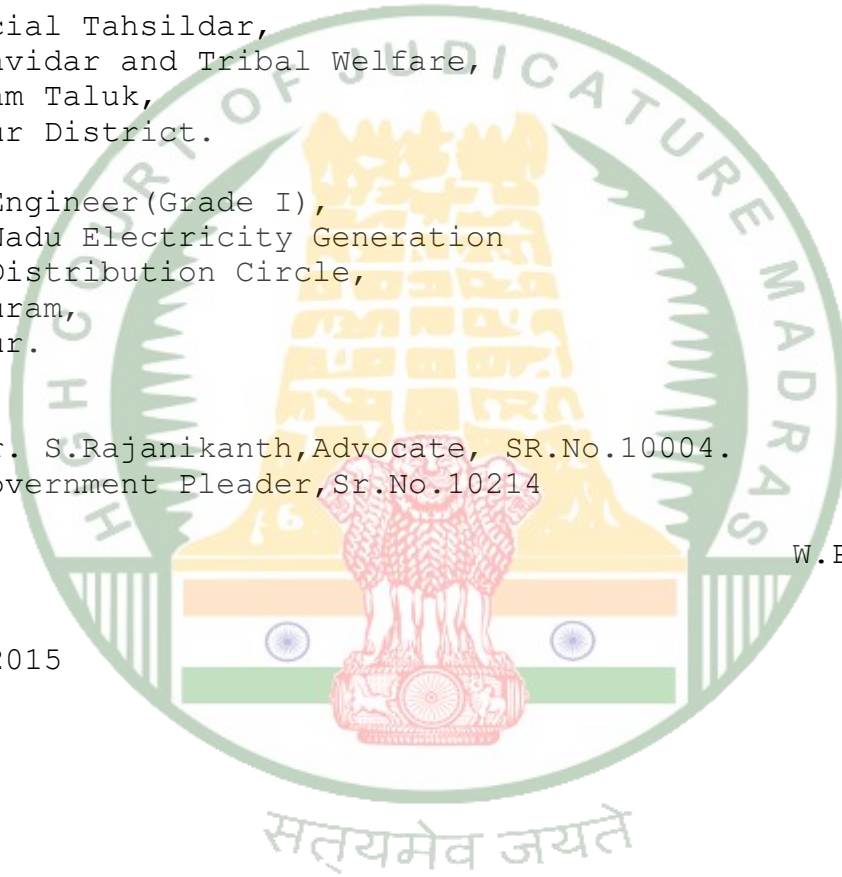
4.Junior Engineer(Grade I),
Tamil Nadu Electricity Generation
and Distribution Circle,
Tharapuram,
Tiruppur.

1 cc to Mr. S.Rajanikanth,Advocate, SR.No.10004.

1 cc to Government Pleader,Sr.No.10214

W.P.No.4619 of 2015

sr(co)
pmk.12.3.2015



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