

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.04.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.15385 of 2016 &

WMP No.13407 of 2016

M.Govindappa

[PETITIONER]

Vs

- 1 The Collector of Krishnagiri District
O/o.The Collector of Krishnagiri District
Krishnagiri.
- 2 The Special Tahsildar
Adi-Dravida Welfare Department
Krishnagiri Taluk.

[RESPONDENTS]

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus to direct the respondent No.1 to cancel or recall or scrap the 4(1) notification as published in the Dharmapuri District Gazette extraordinary dated 11.07.1997 relating to the acquisition of the petitioner's land in survey No.51 in No.60, Nerigam Village of an extent of 0.74.0 Hectors Hosur Taluk, Krishnagiri District by disposing of the representation of the petitioner dated 19.09.2015.

For Petitioner : Mr.S.Senthil Nathan

For Respondents : Mr.R.Lakshmi Narayanan
Addl.Government Pleader

WEB COPY
O R D E R

Heard Mr.S.Senthil Nathan, learned counsel appearing for the petitioner and Mr.R.Lakshmi Narayanan, learned Additional Government Pleader accepting notice for the respondents and with the consent of the learned counsel on either side, the Writ Petition is taken up for final disposal.

2.The petitioner has filed this Writ Petition to quash the Notification issued under the provisions of the Land Acquisition

Act, whereby the petitioner's land in Survey No. 51 in No.60 Nerigam Village, Hosur Taluk, Krishnagiri District, measuring an extent of 0.74.0 Hectors, was acquired for the purpose of giving house sites to the Adi-Dravidar people.

3.The petitioner earlier challenged the said land acquisition proceedings by filing a Writ Petition in W.P.No.15579 of 1997, in which an interim order of stay of dispossession alone was granted and the said Writ Petition was dismissed on 11.07.2000. The petitioner's specific case is that he is continuously in possession of the said land and till date, the lands have not been utilised by the second respondent for the purpose for which it was acquired. Therefore, the petitioner now seeks for scrapping the notification.

4.Since, the petitioner was unsuccessful in the challenge to the land acquisition proceedings earlier, the question of issuance of a writ of mandamus to scrap the notification or set aside the notification does not arise. However, the petitioner would state that the land is no longer required for allotment of house sites and there are other alternate lands which are classified as 'natham' lands available for allotment and the petitioner's only source of income is from the said land and if it is taken over, he will be put to irreparable hardships.

5.It is seen that the representation submitted by the petitioner on 19.09.2015, received by the Office of the Collectorate, is pending consideration of the first respondent.

6.In the light of the above, there will be a direction to the first respondent to consider the petitioner's representation dated 19.09.2015, and pass orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order. Till then, the status quo prevailing as on today (26.04.2016), in respect of the land in question shall be maintained.

The Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitioner is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

- 1 The Collector of Krishnagiri District,
O/o.The Collector of Krishnagiri District,
Krishnagiri.
- 2 The Special Tahsildar ,
Adi-Dravida Welfare Department,
Krishnagiri Taluk.

+lcc to Mr.S.Senthilnathan, Advocate Sr.25765
+lcc to the Government Pleader Sr.26326

W.P.No. 15385 of 2016

ad(CO)
srg(11/05/2016)



WEB COPY