

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.02.2016

Coram

The Hon'ble Mr.Justice T.S.Sivagnanam

Writ Petition No.18848 of 2015
and
M.P.Nos.1 and 2 of 2015

M/s.Vanpakkam Gramam Munatra Sangam,
rep. by its President M.K.Rajan,
No.23E, Aladu Salai, Sakthi Nagar,
Ponneri, Thiruvallur District.

...Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Commissioner & Secretary to Government,
Adi Dravidar and Tribunal Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Collector of Thiruvallur District,
District Collectorate, Thiruvallur District.
3. The District Revenue Officer,
Thiruvallur Collectorate, Thiruvallur.
4. The Revenue Divisional Officer,
Ponneri Division,
Thiruvallur District.
5. The Special Tahsildar,
Adi Dravidar Welfare Department,
Ponneri,
Thiruvallur District.
6. The Tahsildar,
Taluk Office Ponneri,
Thiruvallur District.
7. P.N.J. Sukumar,
R-7 impleaded, as per order dated 08.09.2015,
passed in M.P.No.3 of 2015 of this W.P.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorari to call for records of the third respondent, vide proceedings in R.C.No.J1/16008/2011, dated 13.04.2015, and to quash the same.

For Petitioner : Mrs.F.Mary Jerlin

For Respondents 1 to 6 : Mr.R.Rajeswaran
Special Government Pleader

For Respondent-7 : Mr.T.K.Ramkumar,
for M/s.Ram and Rajan Associates

O R D E R

The petitioner has filed this Writ Petition, for issuance of a Writ of Certiorari, to quash the order passed by the third respondent, dated 13.04.2015.

2. At the first instance, it has to be pointed out that the petitioner is an Association, and according to them, they are entitled to challenge the impugned proceedings, withdrawing the acquisition proceedings. By the impugned proceedings, lands, measuring an extent of 3.21.5 hectares, comprised in Survey Numbers 437/2, 2 & 3 and 438/1,2,3 were acquired for providing housesites to Adi Dravidars, which came to be challenged by Jayalakshmi and another before this Court by filing Writ Petitions, and the Writ Petitions were, W.P.Nos.117 and 118 of 1994, and this Court, by a common order, dated 05.07.2000, allowed the Writ Petitions and the entire acquisition proceedings have been set aside, however, liberty was granted to the State Government to proceed with the land acquisition proceedings fresh, under the provisions of Act 31 of 1978. For better appreciation, the operative portion of the order, dated 05.07.2000 is extracted hereunder:-

"In these Writ Petitions, the award was passed on 30.03.1995, under the Land Acquisition Act. In spite of the fact that the Apex Court upheld the validity of the State Act, 31 of 1978, the acquisition proceedings have been taken under the Central Act, which cannot be sustained. The impugned notification is set aside and the writ petitions are allowed. It is for the

authorities to proceed further under the State Act, if it is necessary."

3. In the subsequent Writ Petitions, viz., in W.P.Nos.16850, 3852 etc. of 2013 (batch), this Court issued certain directions in respect of the grant of patta, in which, the seventh respondent herein was one of the petitioners, covered in W.P.No.18228 of 2013, and the operative portion of the order reads as follows:-:-

"The petitioners are permitted to make individual applications before the fourth respondent for the purpose of restoring the original entries, which were there before the mutation of records in favour of the Adi Dravidar Welfare Department. The fourth respondent is directed to get instructions from the second respondent as to whether there was any appeal preferred against the orders passed by this Court quashing the land acquisition. He should also verify as to whether the Government has issued fresh land acquisition proceedings to acquire the very same property. In case, the fourth respondent is convinced that there is no land acquisition pending, he should rectify the entries in the revenue records and restore the entries in the name of the concerned land owners. Such exercise shall be completed within a period of three months from the date of receipt of the applications from the petitioners.

4. Now, by the impugned proceedings, action has been initiated to cancel the patta, bearing No.3340 issued in favour of the Special Tahsildar (ADW) and to restore the lands comprised in S.Nos.437/2 and 3, 438/1, 2, and 3, in favour of the erstwhile land owners, Tmt.Jayalakshmi and others. Therefore, unless and until, the Government takes a decision to commence the land acquisition proceedings afresh, the question of now entertaining the challenge to the impugned order at the instance of the petitioner-Association does not arise.

5. Thus, in the light of the above facts, this Court is of the firm view that the Writ Petition cannot be maintained. Accordingly, the Writ Petition stands closed. However, it is always open to the Government to initiate land acquisition proceedings afresh in terms of the liberty granted by the Court in the earlier order passed in W.P.Nos.117 and 118 of 1994,

dated 05.07.2000, as referred supra. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner & Secretary to Government,
state of Tamil nadu,
Adi Dravidar and Tribunal Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Collector of Thiruvallur District,
District Collectorate, Thiruvallur District.
3. The District Revenue Officer,
Thiruvallur Collectorate, Thiruvallur.
4. The Revenue Divisional Officer,
Ponneri Division,
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Adi Dravidar Welfare Department,
Ponneri,
Thiruvallur District.
6. The Tahsildar,
Taluk Office Ponneri,
Thiruvallur District.

+1 cc to M/s.Ram & Rajan Associates, Advocates, sr.6953
+1 cc to Mr.C.Yokesh, Advocate, sr.6965
+1 cc to Government Pleader, sr.6942

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kra 12.02.2016