

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.03.2016

CORAM

THE HON'BLE MR. JUSTICE SATISH K. AGNIHOTRI
and
THE HON'BLE MR. JUSTICE M.VENUGOPAL

W.P. No.40229 of 2015

D.Jeevanesan

..Petitioner

Vs.

1.The District Collector,
Vellore District, Vellore.

2.The Revenue Divisional
Officer, Ranipet,
Vellore District.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Walajapet, Vellore District.

4.The Tahsildar,
Arakkonam Taluk,
Arakkonam, Vellore District.

5.P.Simson

..Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 30.11.2015 to acquire the land in Survey No.477/15 situated at Kavanoor Village, Arakkonam Taluk, Vellore District as per the order of this Court in W.P.No.31899 of 2012 dated 22.08.2013.

For Petitioner .. Mr.I.Paul Noble Devakumar

For Respondents .. Ms.A.Srijayanthi,
Spl. Govt. Pleader for R1 to R4
Mr.G.Jeremiah for R5

ORDER

(Order of the Court was made by SATISH K.AGNIHOTRI, J.)

With the consent of the learned counsel appearing for the parties, the writ petition is taken up for final disposal.

2. Seeking a direction to the official respondents to consider the representation dated 30.11.2015 to acquire the land in Survey No.477/15 situated at Kavanoor Village, Arakkonam Taluk, Vellore District as per the order of this Court in W.P.No.31899 of 2012 dated 22 August 2013, the petitioner has come up with the instant writ petition.

3. The brief facts of the case are that the fifth respondent herein is enjoying the land measuring an extent of 245 sq. mtrs. in S.No.477/15 at Kavanoor Village, Arakkonam Taluk, Vellore District and the residents of Harijan Colony of Kavanoor Village were using the vacant land as pathway to burial ground. While so, the fifth respondent blocked the pathway by constructing a compound wall. On the representation made by the villagers, the third respondent along with other officials made a spot inspection and sent a report, recommending to cancel the patta issued to the fifth respondent. Thereafter, the petitioner made several representations to lay road to the burial ground. Pursuant to the same, the second respondent issued a notice dated 23 November 2012 to the fifth respondent to appear for enquiry on 29 November 2012. Aggrieved by the same, the fifth respondent has filed a writ petition being W.P.No.31899 of 2012 in 2012. The writ petition was disposed of, on the undertaking given by the then Tahsildar and relevant portion of the order reads as under:

"6..... The Tahsildar has made it very clear that the Government is in the process of acquiring the land. It is open to the Government to acquire the land under the provisions of the Tamil Nadu Acquisition of Lands for Harijan Welfare Scheme Act, 1978, in case, there are grounds to acquire the land owned by the petitioner under the provisions of the said Act. The possession of the petitioner should be protected till the land is acquired by the Government and possession is taken in the manner known to law."

4. Learned counsel appearing for the fifth respondent submits that the fifth respondent is in possession of the land in question. Thus the possession of the fifth respondent is protected till the land is acquired by the Government and possession is taken in the manner known to law. It appears that

after having given the undertaking to the Court, the Tahsildar kept quiet. Thus the instant petition is filed by the present petitioner seeking a direction to acquire the land pursuant to the order passed earlier. In response, the Special Tahsildar/third respondent has filed an affidavit stating as under:

"6.It is submitted that on the basis of the order dated 22.08.2013, this respondent is taking necessary action to acquire the land in the manner known to law. As the land measuring 245 sq.m. in Natham Survey No.477/15 (Old S.No.262/4) is a patta land as per Revenue Records and as it is required for linking the existing road leading to burial ground which is also carrying drinking water pipe line, leading to Adi Dravidar Colony, necessary action is being taken to acquire the said land under Tamil Nadu Harijan Welfare Scheme Act 1978. This respondent submits that a notice has been served on Mr.Simson, 5th respondent herein on 22.03.2016 through Registered Post with Acknowledgement Card. I respectfully submit that this respondent will complete the entire land acquisition proceedings within three months. Hence I pray that this Hon'ble Court may kindly dispose of the writ petition with the above undertaking given by this respondent and thus render justice."

5.The affidavit further indicates that necessary acquisition will be completed within a period of three months and as such, we are not inclined to pass any order further. However, the protection granted to the fifth respondent under the earlier order shall continue, as observed by the learned single Judge.

6.With the aforesaid observation, the writ petition stands disposed of. No costs.

mmi

Sd/-
Asst.Registrar

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/true copy/

Sub Asst. Registrar

To

1.The District Collector,
Vellore District, Vellore.

2.The Revenue Divisional
Officer, Ranipet,
Vellore District.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Walajapet, Vellore District.

4.The Tahsildar,
Arakkonam Taluk,
Arakkonam, Vellore District.

+ 1 cc to Mr.I.Paul Noble Devakumar, Advocate Sr 20296

+ 1 cc to Mr.G.Jeremiah, Advocate Sr 20420

+ 1 cc to The Govt.Pleader, Sr 20954

KR/18/4/16

W.P.No.40229 of 2015



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