



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **M.V.MURALIDARAN**

W.P (MD) No.19325 of 2016

1. C.Nallammal
2. K.Selvi : Petitioners

Vs.

1. The District Collector,
Madurai District, Madurai.
2. The Special Tahsildar,
(Land Acquisition) (ADW),
Unit No.2, Collectorate,
Madurai. : Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to issue fresh proceedings to acquire the lands in Survey No.238/2 and 248/1A, Kottampatti Village, Melur Taluk, Madurai District, for providing house sites to the petitioners and other beneficiaries.

For Petitioners : Mr.R.Govindaraj

For Respondents : M/s.S.Bharathi
Government Advocate

O R D E R

The Writ Petition has been filed by the petitioners for issuance of a Writ of Mandamus, directing the respondents to issue fresh proceedings to acquire the lands in Survey No.238/2 and 248/1A, Kottampatti Village, Melur Taluk, Madurai District, for providing house sites to the petitioners and other beneficiaries.

2. Heard Mr.R.Govindaraj, learned counsel appearing for the petitioners, M/s.S.Bharathi, learned Government Advocate appearing for the respondents.

3. M/s.S.Bharathi, learned Government Advocate takes notice for the respondents. By consent, the Writ petition itself is taken up for final disposal.



4. The case of the petitioner is that already the land was acquired and the same was challenged by the land owners in W.P.No.8770 of 2003 and 8775 of 2003 before this Court and the same was dismissed by this Court. Against that order, Writ Appeal was filed by the land owners in W.A.Nos.2153 and 2154 of 2013. Considering their case, the Division Bench of this Court allowed the Writ Appeal in W.A.Nos.2153 ad 2154 of 2013, dated 11.07.2014 and set aside the acquisition proceedings.

5. While passing the Judgement in Writ Appeal in W.A.Nos.2153 ad 2154 of 2013, dated 11.07.2014, the Division Bench of this Court has passed the following order:-

" Considering all these facts and circumstances and the case laws as discussed supra, we are of the view that the appellants are entitled to succeed in these appeals. Accordingly, the Writ Appeals are allowed and the impugned acquisition proceedings are set aside, however, with liberty to the respondents to initiate acquisition proceedings afresh in accordance with law if it is so warranted under the present facts and circumstances. This order will not stand in the way of the District Collector to initiate fresh proceedings in accordance with law. No costs. The connected Miscellaneous petitions are closed."

6. Pursuant to the Judgement in Writ Appeal, the representation dated 07.05.2015 given by the petitioners for fresh acquisition of the land to till date, no action was taken on the receipt of the said representation. The second respondent/Special Tahsildar(Land Acquisition) (ADW) informed in his letter in Na.Ka.No.331/94/B1, dated 15.06.2015, that already obtained the legal opinion and the same was sent to the Director of Adhi Dravidar Welfare for acquisition of the land and after receipt of the order from the Director, Adhi Dravidar Welfare, the appropriate action will be taken.

7. On considering the case, I am inclined to pass the following order:-

The first respondent is directed to pass orders on representation dated 07.05.2015, in the light of the letter given by the second respondent dated 15.06.2015 within three



months from the date of receipt of a copy of this order.

8. With the above directions, the Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The District Collector,
Madurai District, Madurai.

2. The Special Tahsildar,
(Land Acquisition) (ADW),
Unit No.2, Collectorate, Madurai.

+1 cc to M/s.R.Govindaraj, Advocate in SR.No.60250

+1 cc to The Special Government Pleader in SR.No. 60550

pmu

CSL/SS-2/08.11.2016: 3P/5C

ORDER MADE IN
W.P(MD)No.19325 of 2016
Dated : **06.10.2016**