



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.11.2016

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition (MD) Nos.2933 and 3445 of 2016

S.Nagarajan ...Petitioner in W.P(MD)No.2933/2016
S.Devadass ...Petitioner in W.P(MD)No.3445/2016

Vs.

1.The District Collector,
Madurai District, Madurai.

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

3.The Tahsildar,
Melur Taluk,
Madurai District. ...Respondents 1 to 3 in both W.Ps.

4.C.Nallammal ...4th Respondent in WP(MD)No.3445/2016
(R-4 is impleaded vide Court order
dated 29.09.2016 in W.M.P(MD)No.5733 of 2016)

Prayer in W.P(MD)No.2933 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd Respondent to enter the petitioners name in the patta for land in Survey No.248/1A measuring 2 acres and 73 cents situated at Kottampatti, Melur Taluk, Madurai District by considering the petitioners representation dated 24.07.2014 more particularly within a time frame as may be stipulated by this Court.

Prayer in W.P(MD)No.3445 of 2016: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 3rd respondent to enter the petitioners name in the patta for land in Survey No.238/2 measuring 90 cents in Kottampatti Melur Taluk Madurai District by considering the petitioners representation dated 22.09.2014 more particularly within a time frame as may be stipulated by this Court.

For Petitioners : Mr.A.Sivaji
For Respondents 1-3 : Mr.J.Gunaseelan Muthiah,
(In both W.Ps) Government Advocate.
For 4th Respondent : Mr.R.Govindaraj
(In W.P(MD)No.3445/2016)

COMMON ORDER

Heard the learned counsel appearing for the parties.

2. According to the petitioners, the lands of the petitioners were acquired under the Tamil Nadu Land Acquisition of Land for Harijan Welfare Schemes Act, 1978. Challenging the above said acquisition proceedings, the petitioners filed writ petitions in W.P.Nos.8770 and 8775 of 2003 before the Principal Bench of this Court and the said writ petitions were dismissed. Against which the petitioners filed writ appeals in W.A.Nos.2153 and 2154 of 2013. and this Court by judgment dated 11.07.2014 allowed the writ appeals whereby setting aside the land acquisition proceedings. However, liberty was granted to the authorities to initiate acquisition proceedings afresh in accordance with law, if so warranted.

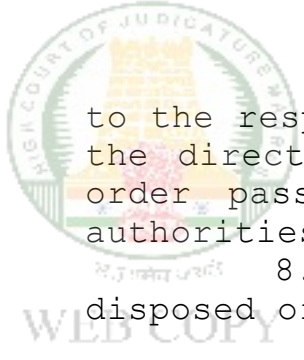
3. Since no fresh land acquisition proceedings was initiated by the respondents, the petitioners filed applications to issue patta in their favour. Since no orders have been passed, the present writ petitions have been filed.

4. The second respondent filed a counter affidavit stating that after the dismissal of the writ petition patta was granted to the 177 beneficiaries on 09.04.2012 and as per the judgment passed by this Court in the writ appeals, action is being taken to initiate land acquisition proceedings afresh.

5. The petitioner filed a reply affidavit stating that for more than 2 years, no action has been taken by the respondents to initiate proceedings as per the judgment passed by this Court and till date, the petitioners are in possession of the said lands.

6. I have heard the submissions made by the learned counsel on either side and perused the materials available on record.

7. Admittedly, no acquisition proceedings initiated as on today by the respondents to acquire the said lands as per the judgment passed by this Court while disposing of the writ appeals in W.A.Nos.2153 and 2154 of 2013, on 11.07.2014. Considering the fact that so far the respondents did not initiate any acquisition proceedings and the earlier acquisition proceedings was set aside, the third respondent is directed to issue patta in favour of the petitioners within a period of six weeks from the date of receipt of a copy of this order. So far as the fourth respondent is concerned, he is only a beneficiary who has been issued with a patta by the respondents, in view of the fact that already the acquisition proceedings has been set aside, the fourth respondent cannot claim any right based on the above said patta granted by the respondents. However, it is made clear that it is always open



to the respondents to initiate land acquisition proceedings as per the direction given by the Division Bench of this Court and the order passed by this Court no way stands in the way of the authorities from initiating land acquisition proceedings afresh.

8. With the above direction, the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar(CS-I)

/True Copy/

Sub Assistant Registrar(CS)
Madurai Bench of Madras High Court,
Madurai-23.

To

1. The District Collector,
Madurai District, Madurai.

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

3. The Tahsildar,
Melur Taluk,
Madurai District.

+2cc to M/s.A.Sivaji, Advocate in SR.65263 & 65264
+1cc to M/s.R.Govindaraj, Advocate in SR.65680
+1cc to the Special Government Pleader, in SR.66033

Writ Petition (MD) Nos.2933 and 3445 of 2016
03.11.2016

sms

PBK/MPA/SAR-III 25/11/2016 ::3P-8C: