

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.4370 of 2004

AND

W.P M.P.No.5145 of 2004

1.Vedhambal (Deceased)
2.Kanthimathiamma
3.Saratha alias Sarathambal
4.K. Ukrakumar
5.K.Senthilathipan
6.K.Thanikasalam
7.Kunthavi

...Petitioners

Vs.

1.Special Tahsildar(ADW)
Pollachi

2. District Collector
Coimbatore

...Respondents

[P4 to P7 - substituted as legal representatives of the deceased 1st petitioner as per order dated 11.08.2014 by CSKJ in WPMP No.171 of 2014 in WP No.4370 of 2004]

Prayer: This writ petition filed under Article 226 of the Constitution of India, to issue an order of writ of records relating o award proceedings of the Special Tahsildar (Aadi Dravidar Welfare) Pollachi, the 1st respondents here in awarded No. 6/99-2000 dated 21.10.1999 and quash the same in so far as the petitioners in relation to their respective shares in the land of an extent of 1.52.0 Hectors in S.No.118, Kural Kuttai Village.

For Petitioner : Mr.R.Gowthamarajan
For Respondents : Mr.K.Dhananjayan
Special Government Pleader.

ORDER

The land acquisition proceedings initiated against the writ petitioner is under challenge, in this writ petition. The writ petitioner sought for to quash the award No.69/99-2000 dated 21.10.1999.

2. The respondents filed the counter and in paragraph No.2 of the counter it is stated as follows:

"... During the award enquiry, the ownership of S.F.118 was disputed by the land owners and they have not presented any documentary evidences. The award compensation amount of Rs.1,83,870/- was deposited in the Civil Court U/s.10(2) read with section 11(2) of the Land Acquisition Act. The acquired land was taken in possession and free house site pattas were issued on 31.03.2003 to 75 Adi Dravidar families. There is an dispute between the petitioners and their legal heirs about the ownership of the S.F.118, and a case in Opinion 1074/87 in the Special Deputy Collector (Revenue Court), Trichy is pending about the ownership of the land. Due to various reasons about the ownership, the award amount has been deposited in the Civil Court by the respondent....."

3. In view of the fact that the possession was already taken and the said land was already allotted to the poor landless people and patta was also issued pursuant to the allotment, further consideration of grounds raised in this

writ petition will not arise and accordingly, the writ petition stands dismissed.

There shall be no order as to Costs. Consequently, the connected Writ Miscellaneous Petition is closed.

05.05.2017

msrm/ars

Index:Yes/No

Internet:Yes/No

To

1.Special Tahsildar(ADW)
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S.M.SUBRAMANIAM,J

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