

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P.No.31954 of 2013

Mr.V.Kalian

.. Petitioner

Versus

1.The Special Tahsildar,
(Land Acquisition) Ulunthoorpet Taluk,
Villupuram District.

2. The District Adidravidar
Welfare Officer,
Villupuram, Villupuram District.

.. Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 01.08.2013.

For Petitioner : No Appearance

For Respondents: Mr.K.J.Sivakumar, GA.

O R D E R

The petitioner has filed this Writ Petition praying to direct the the respondents to consider the petitioner's representation dated 01.08.2013.

2. According to the petitioner, the land in Serial No.88/1 to 10 and 93/2, 93/3B3 and 93/3 to an extent of 2.75 Hectare was acquired by the first respondent, for the purpose of granting house site patta to the poor Adi-dravidar landless persons. The petitioner made application to grant house site patta, but no action was taken by the respondent. Therefore, the petitioner has filed this Writ Petition with the aforesaid prayer.

3. The learned Government Advocate appearing for the respondents has filed a counter affidavit stating that the land acquisition proceedings was issued by the Department, vide Award No.5/77-78 dated 01.09.1977, an extent of 9.11 acres have been acquired, for providing house site patta to 188 houseless Adi-Dravidar people in Sengurichi Village in Ulundurpet Taluk. Accordingly, 120 houseless poor persons were enumerated and proposed to provide house site patta to them.

4. Further, the people of Adi-Dravidars of Sengurichi Village gave representation to the Special Tahsildar (ADW), Ulundurpet, to provide house site patta, adjoining the existing Adi-Dravidar habitation. The land acquisition proceedings were initiated in an extent of 2.95.5 Hectares. The administrative sanction was given to the Special Tahsildar (ADW), Ulundurpet, in this regard by the Collector of Villupuram District to perform functions, as per his Proceedings No.M5/37780/98, dated 02.12.1999. The District Revenue Officer, Villupuram, in the capacity of incharge of Collector of Villupuram, had sanctioned the administrative sanction to proceed further in the above matter. On the basis of the above said proceedings, the land owners were directed to appear before the Special Tahsildar, (ADW) Ulundurpet, for enquiry and submit their objections. Then, necessary report was directed to be submitted to the Collector of Villupuram by Special Tashildar (ADW), Ulundurpet, who over-ruled the objections raised by the land owners under Section 4(2) of the Tamil Nadu Acquisition of land for Harijan Welfare Scheme Act 31, 1978.

5. In the meantime, the land owners approached this Court in W.P.Nos.17770/2000, etc. in batch of cases. The aforesaid batch of Writ Petitions was allowed by this Court on 25.10.2000, stating that the in-charge Collector cannot be considered as Collector, for the purpose of sanction of 4(1) notification under Tamil Nadu Acquisition of land for Harijan Welfare Scheme Act 31, 1978.

6. In view of the above said submission of the learned Government Advocate, the relief prayed for by the petitioner cannot be considered at this stage. However, it is open for the petitioner to make a fresh representation to the District Collector, Villupuram and the same shall be considered, in accordance with law, by the District Collector, Villupuram.

7. With the above observation, the Writ Petition is dismissed. No Costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

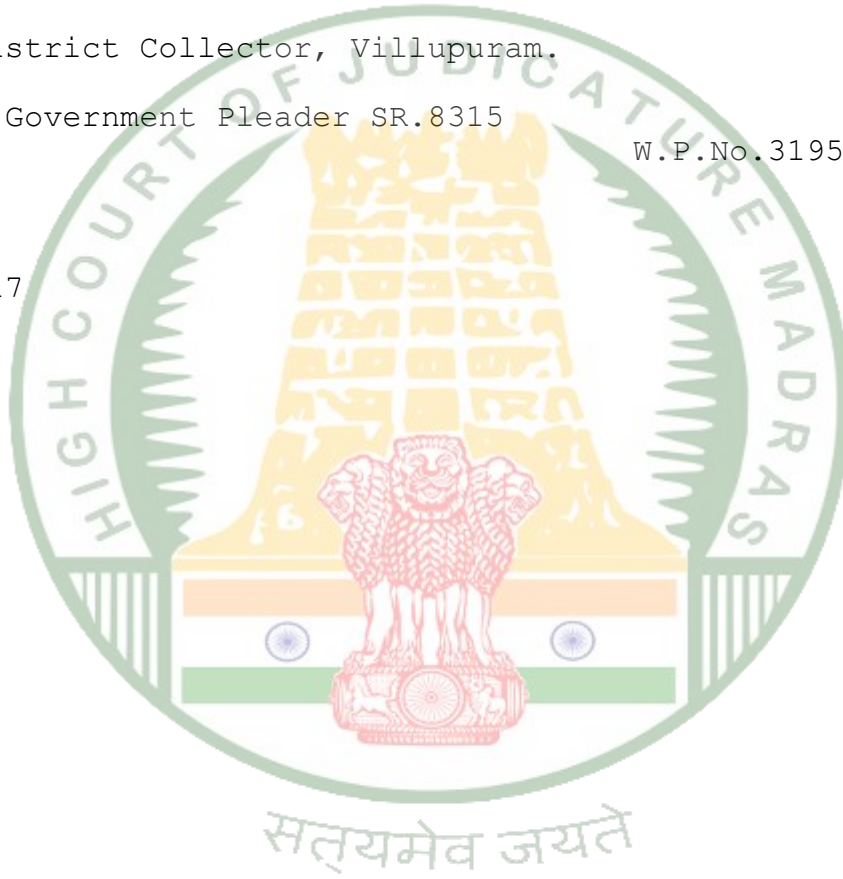
pvs

To

- 1.The Special Tahsildar,
(Land Acquisition) Ulunthoorpet Taluk,
Villupuram District.
 2. The District Adidravidar Welfare Officer,
Villupuram, Villupuram District.
 3. The District Collector, Villupuram.
- + 1 cc to Government Pleader SR.8315

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