

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31165 of 2004 and
W.M.P.No.37764 of 2004

1. Umapathy
2. Chandrammal ... Petitioners

Vs.

1. The District Collector,
Thiruvannamalai,
Thiruvannamalai District.
2. The Special Tahsildar,
Harijan Welfare Scheme,
Polur Taluk,
Thiruvannamalai District. Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records relating to the proceedings in Na.Ka.No.2244/2004 dated 09.10.2004 issued in Form I under Section 4(2) R/W Rule 3(1) of Tamilnadu Acquisition of Land for Harijans Welfare Scheme 1979 from the file of the second respondent and quash the same.

For Petitioner : Mr.R.Margabandhu.
For Respondents : Mrs.K.Bhuvaneswari,
Government Advocate.

O R D E R

The petitioner filed this writ petition challenging the Notice under Section 4(2) R/W Rule 3(1) of Tamilnadu Acquisition of Land for Harijans Welfare Scheme, 1979, issued by the Tahsildar for acquiring the petitioner's land for the purpose of Urban Welfare for formation of burial ground to Adi Dravidars, at Vadakarai Nammiandal Village. After receipt of the Form No.1, dated 09.10.2004, under Section 4(2) of the 3(1) of Tamilnadu Acquisition of Land for Harijans Welfare Scheme, 1979, against which, the present writ petition is filed.

2. For the purpose of pathway to the Burial ground, India Jananayaka Valibar Sangam issued a notice to the revenue officials stating that they will hold demonstration on 11.10.2004. Accordingly, the Revenue Divisional Officer, Thiruvannamalai has convened a peace committee meeting on 10.10.2004. In the peace committee meeting it was resolved to take action to form a Burial ground in Survey No.17/B1B2 as per the Land Acquisition Act (Act 31 of 1978).

3. But, on perusal of the counter affidavit filed by the respondents, till date the 4(1) notification is not published.

4. The learned counsel appearing for the petitioner submitted that the petitioner may be permitted to make objection regarding the opposition of the Land Acquisition proceedings before the competent authority i.e., Tahsildar. Since, the petitioner is challenging only the 4(2) notice, after considering the objection of the land owners, then only the 4(1) notification will be published in the District Gazette.

5. In view of the above, the petitioner is permitted to participate in the acquisition proceedings by submitting their objections and the Land Acquisition Officer is directed to consider the objections and thereafter, proceed further, if so advised. Accordingly, the writ petition is disposed of with the above observations. No Costs. Consequently the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS III)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

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To

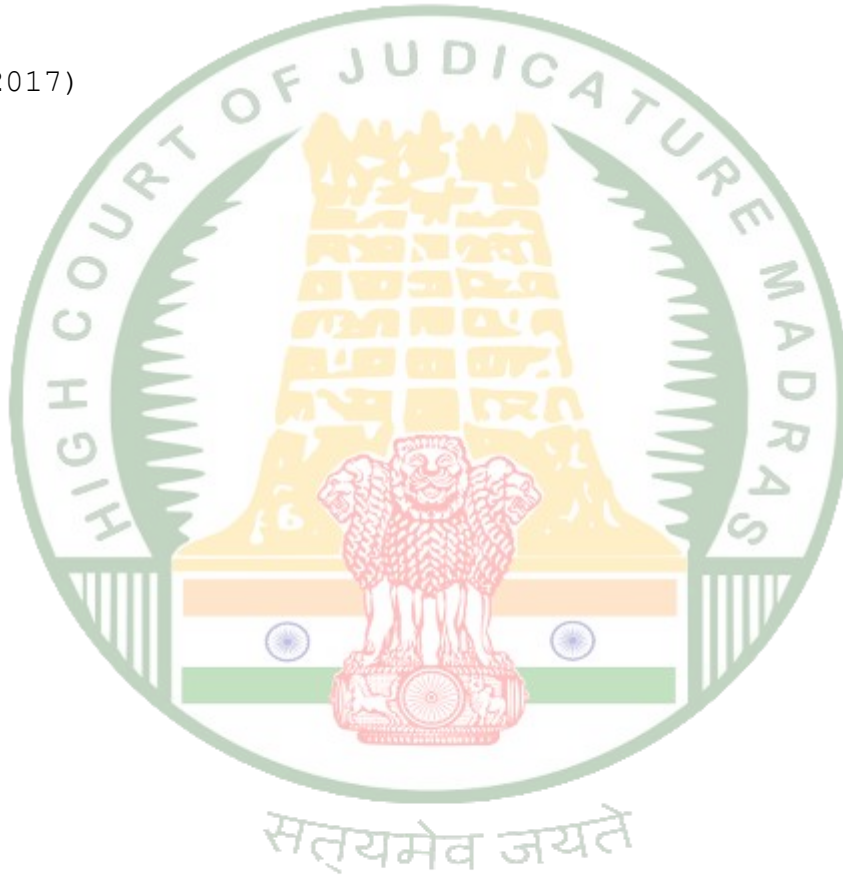
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2. The Special Tahsildar,
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Thiruvannamalai District.

+1cc to M/S.R.Margabandhu, Advocate Sr. 62773

W.P.No.31165 of 2004

MP (CO)
VR(04/10/2017)



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