



W.A. No.2380 of 2013

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T. RAJA,J.
AND
K.KUMARESH BABU,J.

(Order of the Court was made by T.RAJA,J.)

This writ appeal has been filed by the appellant to set aside the order dated 01.02.2013 passed in W.P. No.18510 of 2003, wherein the learned Single Judge, observing that after five years of passing the award, the writ petition filed by the petitioner was not maintainable, has dismissed the above writ petition.

2.Learned counsel for the appellant submitted that the Government of Tamil Nadu had already issued some guidelines in a Circular/Government Order not to acquire the lands belonging to the weaker sections, namely, the persons belonging to poor downtrodden/ SC and ST community and till date, the said G.O. or Circular have not been modified or set aside.

3.In para 8 of the affidavit filed by the appellant in the writ petition, the appellant states that he is a poor agriculturist and apart from the land, there is no other alternative land and he is solely



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depending upon his land and as a result of the acquisition, he has been deprived of his only source of income, without eking out his livelihood.

4.Learned Special Government Pleader appearing for the respondents submits that the land acquired from the appellant has been utilised by giving patta to the landless poor people.

5.In this regard, it is relevant to extract the guidelines issued by the Government in the above Government Order/Circular as under:

'Lands belonging to poor person/Adi Dravidars not to acquire acquisition of land for house sites to weaker section Government Memo No.6300/II.w.x/77-2, Social Welfare, dated 6th July 1977 with a view to speed up the process of land acquisition work for providing house – sites to the houseless Harijan families, instructions have been issued in the past requesting the Collectors to follow them scrupulously at the time of initiating land acquisition proceedings. The following further instructions are issued in regard to exercise the power of the District Collectors :-
(i)Land belonging to poor persons with meagre land holdings need not, generally, be acquired unless otherwise inevitable for the purpose of maintaining proximity and



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vicinity to the main village.

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(ii) Lands belonging to Harijans should not be acquired except where it becomes absolutely inevitable. In such cases, the Collectors should obtain the prior permission of the Government for including such lands in the land acquisition proposals.

All Collectors are requested to follow the above instructions strictly'

6. Since the above Government Order/Circular emphasized the Government not to acquire the lands from the poor persons/weaker sections, belonging to SC/ST community, in order to take care of the appellant, who is a poor downtrodden, we are inclined to issue direction to the learned Special Government Pleader to get instructions. Therefore, the learned Special Government Pleader is directed to get instructions as to whether the appellant can be given any alternate equal extent of land.

7. Post the matter after 10 days.

(T.R.,J.) (K.B.,J.)
01.07.2022

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