

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.03.2017

CORAM

THE HON'BLE Mr. JUSTICE M.M.SUNDRESH

W.P.No.42066 of 2016

V.S.Jahanathan

.. Petitioner

Vs

- 1 State of Tamil Nadu
Rep by its Secretary,
Schedule Cast Welfare Department,
Fort St. George, Chennai-600 009.
 - 2 The District Collector,
Villupuram District, Villupuram.
 - 3 The Special Tahsildar (SCW),
Tindivanam & Taluk,
Villupuram District.
- .. Respondents

Writ Petition is filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records of the Respondents, particularly, the 3rd Respondent's impugned order dated 14.07.2016 vide Ref. No. Na.Ka.A/877/1995, quash the same and consequentially, direct the Respondents to re-convey the land situated at Venganthur Village, Tindivanam Taluk, Villupuram District, comprised in Ayyan Punja Survey Nos. 181/1- 0.22.5, 181/6- 0.06.5, 181/7-0.21.0, 181/8- 0.48.0, 182/16- 0.03.5, and 181/17- 0.09.5 hectares in all totally in an extent of 1.11.0 hector.

For Petitioner .. Mr.R.Thanjan
For Respondents .. Mr.S.Diwakar,
Special Government pleader

ORDER

The petitioner herein was the owner of the land with an extent of 1.47.0 hectares situated in Venganthur Village. Proceedings have been initiated under Section 4(2) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978

(Tamil Nadu Act 31 of 1978) dated 20.10.1995. A notification was issued in the District Gazette under Section 4(1) of the Tamil Nadu Act 31 of 1978 through the second respondent on 20.02.1996. The entire proceeding was concluded in pursuant to the award enquiry dated 31.12.1996. The beneficiaries have been identified. They are 98 in number. Each of the beneficiary have granted an extent of 0.01.5 ares as early as on 04.08.1997. They are also stated to be in possession and enjoyment. The petitioner made a representation after long number of years seeking re-conveyance of the land on the premise that it was not put into use. In pursuant to the order passed by this Court in W.P.No.7375 of 2015 dated 24.02.2016, the order impugned was passed rejecting the request of the petitioner holding that it is he who prevents the beneficiaries from putting up construction.

2. The learned counsel appearing for the petitioner would submit that the statement made in the impugned order is not correct. The land has not been put into use and therefore, the impugned order is liable to be set aside.

3. The learned Special Government Pleader appearing for the respondents, based upon the counter affidavit filed, submits that the writ petitions filed earlier by the petitioner in W.P.Nos.5855, 9734 and 9735 of 1997 challenging the notification No.M1-30263/95 published in Villupuram Ramasamy Padayatchi District Gazettee dated 20.02.1996 issued under Section 4(1) of the Acquisition of Land for Harijan Welfare Schemes Act 31/1978 were dismissed on 24.04.1997 itself. The appeal filed was also rejected. The beneficiaries have been identified and lands have been distributed. They are not made as parties before this Court. The beneficiaries have taken possession and the revenue records have been mutated in their favour. The petitioner cannot seek as a matter of right for re-conveyance. Merely because some of the beneficiaries have not put up construction, the petitioner will not acquire any vested right and thus, from any perspective, this Court does not find any merit in this writ petition. Accordingly, the writ petition stands dismissed. No costs.

raa

Sd/-

Assistant Registrar

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Sub-Assistant Registrar

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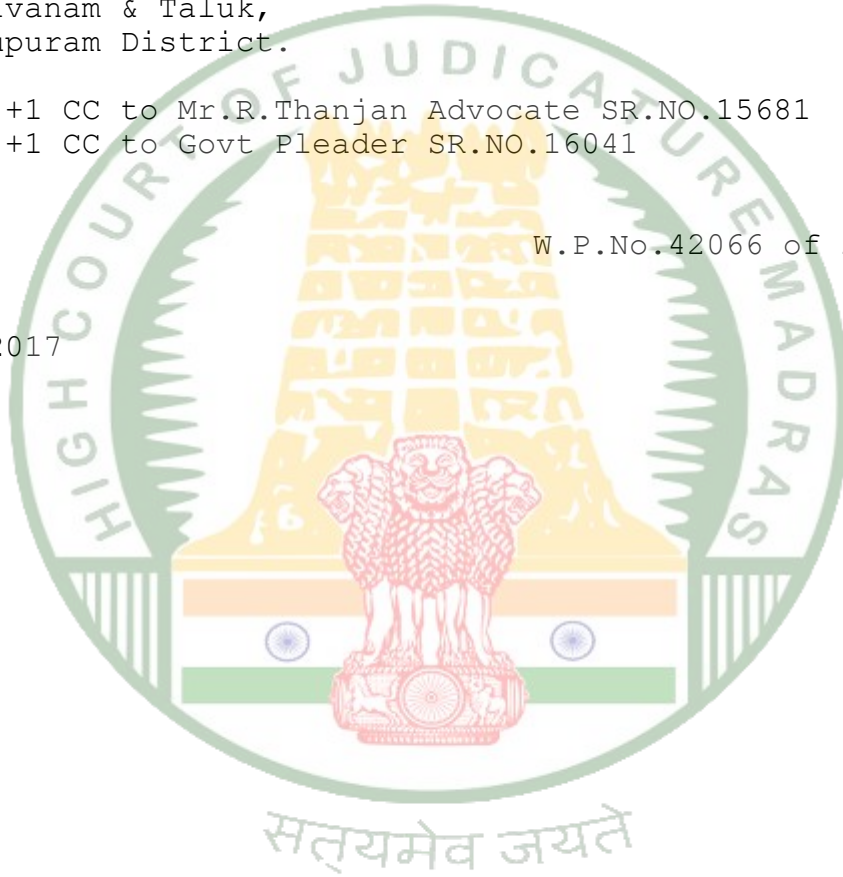
To

- 1 The Secretary,
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- 2 The District Collector,
Villupuram District, Villupuram.
- 3 The Special Tahsildar (SCW),
Tindivanam & Taluk,
Villupuram District.

+1 CC to Mr.R.Thanjan Advocate SR.NO.15681
+1 CC to Govt Pleader SR.NO.16041

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NSN[CO]
MK:22/03/2017



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