

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.13343 of 2003
and
W.M.P.No.16754 of 2003

Good Shepherd Nursery and Primary School
Parents Teachers Association.
Rep.by its Secretary S.Damodaran

... Petitioner

Vs.

1. The Secretary,
Office of the Chief Minister's Special Cell,
Fort St. George,
Chennai - 600 009.
2. The Government of Tamilnadu
Rep by its Commissioner and Secretary,
Adi-Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai - 600 009.
3. The Collector,
Dindigul,
Tamilnadu.
4. The Special Tahsildar (ADW),
Unit - I, Dindigal.

... Respondents

Prayer: Writ Petition filed under Article 226 of The Constitution of India praying to issue a Writ of Certiorarified Mandamus or any other appropriate Writ or Order or direction in the nature of Writ, calling the records from the 3rd respondent herein relating to his order No.H2/22089/2002, dated 25.03.2003 (signed on 26.03.2003) and to quash the same, consequently forbearing the respondents herein from initiating further proceedings of land acquisition in respect of the land bearing S.No. 370/3G of Vambarpatti Village in which the Good Shepherd Nursery and Primary School is functioning till the disposal of the above Writ Petition.

For Petitioner : Mr.E.R.K.Moorthy

For Respondents : Mr.K.Dhanajeyam
Special Government Pleader
for R5

O R D E R

The land acquisition proceedings initiated in proceedings No.H2-22089-2002, dated 22nd March 2003 is under challenge in this Writ Petition.

2. The Writ Petitioner is Good Shepherd Nursery and Primary School and the facts set out in the affidavit filed by the Writ Petitioner is that they are in occupation of the premises under the land acquisition proceedings and running a Primary School. Through notice, dated 17th May 2002, the Commissioner and Secretary, Adi-Dravidar and Tribal Welfare Department, directed the Writ Petitioner to vacate the premises within 15 days. Subsequently, the Writ Petition was filed and injunction was obtained and thereafter the Writ Petitioner is continuing in the said premises, which was under the land acquisition proceedings. Thereafter, an order was passed on 25th March 2003, by the District Collector, Dindugal, stating that the land which is the subject matter of this Writ Petition, belongs to the Government, viz..Government poramboke land. Subsequently, the land was allotted to the landless poor people belonging to Socially Backward Community and in fact, the lands were allotted and pattas were also issued to the landless poor people belong to socially backward community.

3. When the land in question was already allotted in favour of poor landless people and Pattas were issued in their favour, the prayer now sought for withdrawal of land acquisition proceedings, does not arise, and no further consideration in this Writ Petition can be taken out.

4. Hence, the Writ Petition stands dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

mvs/gsk

To

1. The Secretary,
Office of the Chief Minister's Special Cell,
Fort St. George,
Chennai - 600 009.

2. The Commissioner and Secretary,
Government of Tamilnadu,
Adi-Dravidar and Tribal Welfare Department,
Fort St.George,
Chennai - 600 009.

3. The Collector,
Dindigul,
Tamilnadu.

4. The Special Tahsildar (ADW),
Unit - I, Dindigal.

W.P.No.13343 of 2003

NR(CO)
CA(29/06/2017)



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