

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.09.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34565 of 2004
and
WPMP.No.41693 of 2004

1.P.Ramanathan
2.M.Pandu Udayar
3. S. Palanivel

... Petitioners

Vs.

1. The District Collector,
Villupuram,
Villupuram District.
2. The Special Tahsildar (ADW),
Adi Dravida Welfare Office,
Ulundurpet,
Villupuram District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the respondents pertaining to the proceedings of the first respondent in Na.Ka.No.M5/10745/04 dated 26.10.2004 and notice of the second respondent dated 21.05.2004 and quash the same.

For Petitioners : Mr.G. Arul Murugan
For Respondents : Mr.A. Elumalai
Government Advocate
O R D E R

The petitioners have filed a writ petition challenging the notices issued under Section 4(2) of the Tamil Nadu Land Acquisition for Harijan Welfare Act, 1978, for the purpose of providing house sites for the poor Adi Dravidar People.

2. The brief facts of the case as follows:

The Petitioners are the owners of the property in Sr.Nos.72/5B, 6C, 6E, 72/6B, 6D1, 6D2, 6DF, 6G1, 6G2 and 73/1 to 4 of Ponnianthal Village, Tirukovilur Taluk to an extent of 1.80 hectares. The respondents have not provided house sites to the Adi Dravidar Community. The second respondent has issued notices under Section 4(2) of the Tamil Nadu Land Acquisition for Harijan Welfare Act, 1978, calling upon the petitioners to submit their explanation.

3. Aggrieved by the same, the petitioners have filed the present writ petition.

4. Learned Government Advocate appearing for the respondents has filed a counter.

5. On perusal of the counter, it is averred that the purpose of acquisition of land is for providing house sites to the houseless Adi Dravidar People. Accordingly, notices under Section 4(2) of the Tamil Nadu Land Acquisition Act 31/78 were issued to the petitioners calling upon them to submit their explanation and fixed the enquiry on 09.06.2004. The petitioners and other land owners appeared and raised their objections. After considering those objections, the District Collector vide his proceedings dated 23.10.2004 discussed the merits and demerits of the objections and the said objections were over ruled. Accordingly, Notification under Section 4(1) of the Act was published in the Villupuram District Gazette on 29.10.2004. The Gazette Notification was published in the village Ponniyandal on 23.11.2004. The valuation of the land involved in the acquisition was fixed at Rs.55,000/- per acre. Thereafter, Award Enquiry was sent to the land owners, which they have refused to receive the same. However, the same was served to them by communication. After following procedure, Award Enquiry was conducted on 18.02.2005 and Draft Award was approved on 22.02.2005 and pronounced on 01.03.2005. However, possession was not taken in view of interim order granted by this Court on 29.11.2004.

6. Learned counsel for the petitioners would submit that on instruction, they seek permission of this Court to file a writ petition under 24(2) of the Tamil Nadu Fair Compensation Act.

In the result, the writ petition is disposed of with liberty granted to the petitioners to challenge the acquisition proceedings by filing a writ petition invoking 24(2) of the Tamil Nadu Fair Compensation Act, within a period of six weeks from the date of receipt of a copy of this order. Till then, the stay of dispossession ordered on 29.11.2004 will continue to enable the petitioners to file a writ petition. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

gv

To

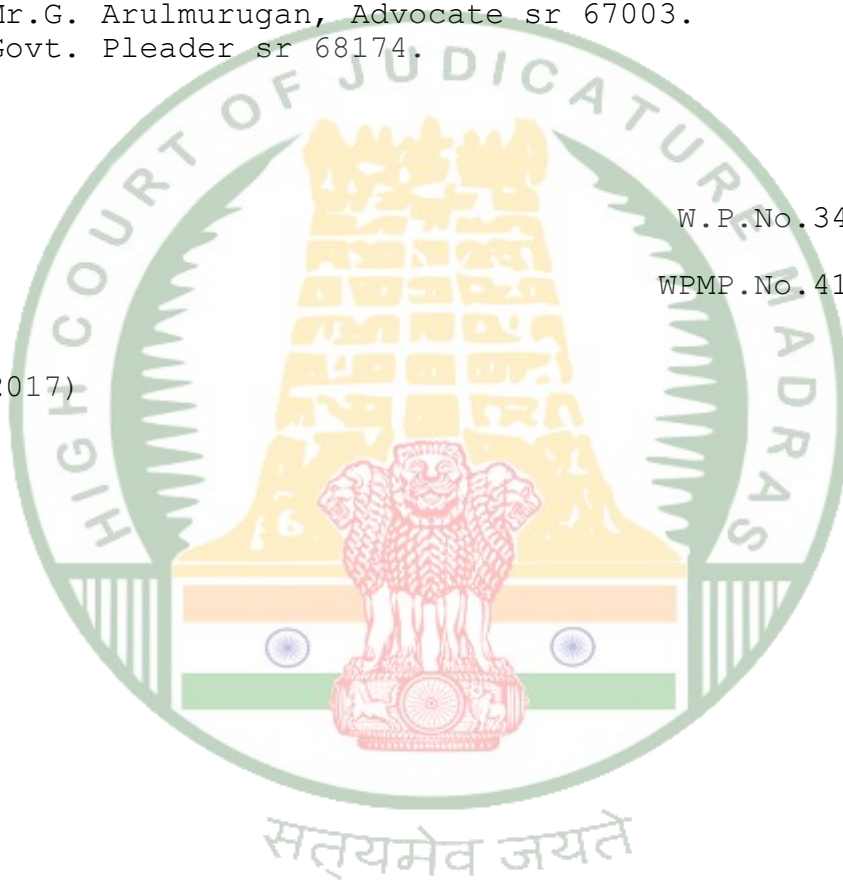
1. The District Collector,
Villupuram,
Villupuram District.
2. The Special Tahsildar (ADW),
Adi Dravida Welfare Office,
Ulundurpet,
Villupuram District.

+1 Cc to Mr.G. Arulmurugan, Advocate sr 67003.

+1 Cc to Govt. Pleader sr 68174.

W.P.No.34565 of 2004
and
WPMP.No.41693 of 2004

MR(CO)
sp(21/09/2017)



WEB COPY