

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:03.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.7673/2018 & WMP.Nos.9576 to 9578/2018

1.C.Angappan
2.M.Velmurugan
3.S.Ranganathan
4.V.Sekar

Petitioners

Vs

1.The Secretary to Government
State of Tamil Nadu,
Department of Revenue,
Fort St George, Chennai 600 009.
2.The District Collector
Salem, Salem District.
3.The District Adi Dravida Welfare Officer
Salem, Salem District.
4.The Tahsildar
Salem, Salem District.
5.The Special Tahsildar
Salem, Salem District.
6.The Engineer in Chief [Water Resources
Organization] & Chief Engineer [General]
Public Works Department, Chepauk
Chennai 600 005.

7.N.Mariappan

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent herein to take necessary action to acquire 64 cents [0.25.5 hectares] of barren dry land comprised in Survey No.263/4A in Jagir Amma Palayam village, Salem Taluk [West], Salem District for the purpose of the said Amma Palayam [Adi Dravidar] burial ground as clarified by this Court in the order passed in WP.No.5401/1997 dated 09.11.2001 and to direct the 2nd and 6th respondents to take necessary action to remove the

said encroachment in the said Thazhampu Odai/water channel situate in S.No.260,261,262 situate in Jagir Amma Palayam village, Salem Taluk [West], Salem District and restore the same to its original status forthwith.

For Petitioners : Mr.S.Arunkumar

For RR 1 to 6 : Mr.T.Pappaiah, Spl.GP

ORDER

[Order of the Court was made by M.SATHYANARAYANAN, J.]

By consent, the writ petition is taken up for final disposal. Mr.T.Pappaiah, learned Special Government Pleader accepts notice on behalf of the respondents 1 to 6.

2 The petitioners claim that they are residents of Puthu Colony, Jagir Amma Palayam, Salem Taluk, Salem District and they belong to Scheduled Caste Community and people like petitioners, are residing in the said area and they are eking out their livelihood as daily wage earners. It is the specific case of the petitioners that the land admeasuring to an extent of 0.25.5 Hectares in S.No.263/4A, Jagir Amma Palayam, Salem Taluk and District was sought to be acquired for burial ground of Harijans under the provisions of the Tamil Nadu Harijan Welfare Act [Tamil Nadu Act 34 of 1978]. The owner of the land who is arrayed as the 7th respondent herein, made a challenge to the said proceedings by filing WP.No.5401/1997 and vide final orders dated 09.11.2001, the Single Bench of this Court had allowed the writ petition and quashed the acquisition proceedings and also clarified that "the Government may, if it so chooses, initiate fresh proceedings by complying with all the other provisions of the Land Acquisition Act, 1894 [Act 1 of 1894] and Rules." The grievance now expressed by the petitioners is that despite liberty granted by this Court as early as on 09.11.2001 while allowing the writ petition in WP.No.5401/1997, the official respondents are yet to initiate the land acquisition proceedings for providing burial ground/site to the people belonging to the Scheduled Caste community residing in Jagir Amma Palayam and as a consequence, they are suffering very much and are unable to bury or cremate the dead. The petitioners, in this regard, have also submitted a representation to the 1st respondent on a Grievance Day and it was forwarded to the office of the 3rd respondent who in turn, had sent a Memo in Na.Ka.No.191/2017/D8 dated 04.12.2017 to the Special Tahsildar, Adi Dravidar Welfare, Salem, to take appropriate action and inform the petitioners as well as his office and despite that, no action has been taken by the Government to initiate Land Acquisition Proceedings for providing burial ground to the said people and hence, the petitioners are constrained to approach this Court, by filing

the present writ petition.

3 Mr.S.Arunkumar, learned counsel for the petitioners would submit that on account of lack of basic facilities such as burial ground, people belonging to Scheduled Caste Community who are residents of Jagir Amma Palayam, are facing innumerable hardship and difficulty and prays for appropriate orders for initiation of the land acquisition proceedings and completion of the same under the Tamil Nadu Act 31/1978 within the stipulated time.

4 The Court heard the submissions of Mr.T.Pappaiah, learned Special Government Pleader appearing for the respondents 1 to 6 and also perused the materials placed before it.

5 A perusal of the affidavit with supporting materials, would prima facie disclose that the land of the 7th respondent was identified for the purpose of providing burial ground/site to the people belonging to the Scheduled Caste Community of Jagir Amma Palayam and on filing WP.No.5401/1997, it came to be quashed and the Government was granted liberty to initiate land acquisition proceedings afresh. Though the said order came to be passed as early as on 09.11.2001, according to the petitioner, for the past 17 years, no acquisition proceedings have been initiated.

6 This Court, taking into consideration the above facts and circumstances, directs the respondents 2 to 5 to respond to the request of the petitioners and take appropriate action within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioners.

7 The writ petition stand disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

सत्यमेव जयते
s/d-

Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

AP

To

1.The Secretary to Government
State of Tamil Nadu,
Department of Revenue,
Fort St George, Chennai 600 009.

- 2.The District Collector
Salem, Salem District.
- 3.The District Adi Dravida Welfare Officer
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- 5.The Special Tahsildar
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Public Works Department, Chempauk
Chennai 600 005.

Copy to:-

The Secretary to Government
State of Tamil Nadu
Adi Dravidar and Tribal Welfare Department
Secretariat, Fort St George,
Chennai 600 009.

+1 CC to Govt. Pleader sr 24870.

+1 CC to Mr.S. Arunkumar, Advocate sr 24669.

KAN(CO)
SP(17/04/2018)

WP.No.7673/2018

सत्यमेव जयते

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