

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.31058 of 2017
and
W.M.P.No.34058 of 2017

- 1.S.T.Anandan
2. Pounammal
3. N.Rajaram Naidu
4. P.K.Mani
5. Mrs.Dhanam Ammal
6. R.Karunakaran
7. Rajendiran
8. Arul Kumaran
9. J.Venkatesan

... Petitioners

Vs

1. The Special Tahsildar
Adi Dravidar & Tribal Welfare,
(Land Acquisition),
Vellore,
Vellore District.

2. The Collector, Vellore District
Office of the Collectorate at Vellore,
Vellore District.

3. The Commissioner & Secretary to Government,
Government of Tamil Nadu,
Adi Dravidar & Tribal Welfare Department,
Fort St.George, Chennai-600 009.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the Respondents 1 to 3, to refrain from dealing with the lands belonging to the petitioners which is covered in W.P.No.9098 of 1989, the lands comprised in Survey No.23/1D, land of an extent of 0.43.5 hectare, in Survey No.23/1C & D land of an extent of acre 0.05 cents, in Survey No.23/1A of an extent of acre 0.011/2 cents, in Survey No.23/1C land of an extent of acre 0.011/2 cents, in Survey No.23/1A land of an extent of acre 0.06 cents,

in Survey No.23/1D land of an extent of 160 sq.ft, in Survey No.23/1A of an extent of 0.33.5 hectare, in Survey No.23/1C land of an extent of 0.36.0 hectare, in Survey No.23/1B land of an extent of 0.33.5 hectare, aforesaid nanja lands situated in Seeleri Village, Ganga Nallur Post, Annaikat (via) Taluk, Vellore District under the guise of acquisition of land for Harijan Welfare Scheme of Seeleri Village or in any other manner and consequently grant Patta pertaining to the respective lands in favour of the Petitioners/respective owners.

For Petitioner : Mr.A.Palaniappan

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

ORDER

The short facts involved in this case is that the petitioners owned a piece of property spread over S.Nos.23/1A, 23/1B, 23/1C and 23/1D in Seeleri Village, Ganga Nallur Post, Annaikat (via) Taluk, Vellore District. This property was originally sought to be acquired under the provisions of the Land Acquisition Act, 1894 for providing house sites to the Adi-Dravidar Community. Challenging the same, the petitioners had filed W.P.No.9098 of 1989 and the same was allowed by this Court on 16.12.2003. Thereafter, there was no fresh attempts made to acquire the petitioners' property under any of the statute providing for acquisition of private lands for public purposes. However, even without any acquisition, the Revenue Officials mutated the revenue records unilaterally. The said act is not sanctioned in law.

2. The petitioners had made a representation dated 16.06.2017, which is one and perhaps last in series of earlier representations.

3. Heard Mr.A.Palaniappan, learned counsel appearing for the petitioners and Mr.Akhil Akbar Ali, learned Government Advocate appearing for the respondents.

4. The learned counsel for the petitioners submitted that after quashing all the earlier acquisition proceedings by this Court in W.P.No.9098 of 1989, there was never been an acquisition and the action of the revenue officials in mutating the revenue records is highhanded and transgressed on the rights of the citizens. He also added that the property involved was also not been utilised.

5. Mr.Akhil Akbar Ali, learned Government Advocate has made a statement on instruction that mutation of revenue records had

taken place after publication of Section 4(1) notification and before the order of this Court in W.P.No.9098 of 1989 and therefore, the revenue officials considered as violating the orders of this Court, nor can they be termed to have acted against the law.

6. Even if the statement of the learned Government Advocate is taken on its face value, yet it is imperative that the revenue officials ought to have restored status quo anti when once the land acquisition proceedings are quashed. The earlier acquisition proceedings was quashed on 16.12.2003 and it is almost 15 years now that the revenue officials are preserving mutation that they had effected in the revenue records. It is not appropriate for the revenue officials to either justify or sustain that which they did, which when they did might have been lawful, after the acquisition was quashed. It does not strictly require an order of this Court to direct these authorities to restore the name of the petitioners in the revenue records, since a sensitive administration would have done it even without any need for judicial order to spur it.

7. Therefore, this Court modifies the relief and directs the petitioners that they may within four weeks from the date of receipt of copy of this Order, a representation to the 2nd respondent/District Collector, Vellore, for effecting mutation in the revenue records based on the orders of this Court in W.P.No.9098 of 1989, dated 16.12.2003, and the second respondent in turn shall take such necessary decision on it as would be consistent with the tone and tenor of the Order in W.P.No.9098 of 1989, dated 16.12.2003 within a period of two months from the date of receipt of a copy of this order. There will also be a direction against the respondents not to do anything calculated to affect the title of the petitioners over their property. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

8. For reporting compliance post the case on 02.07.2018.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

To

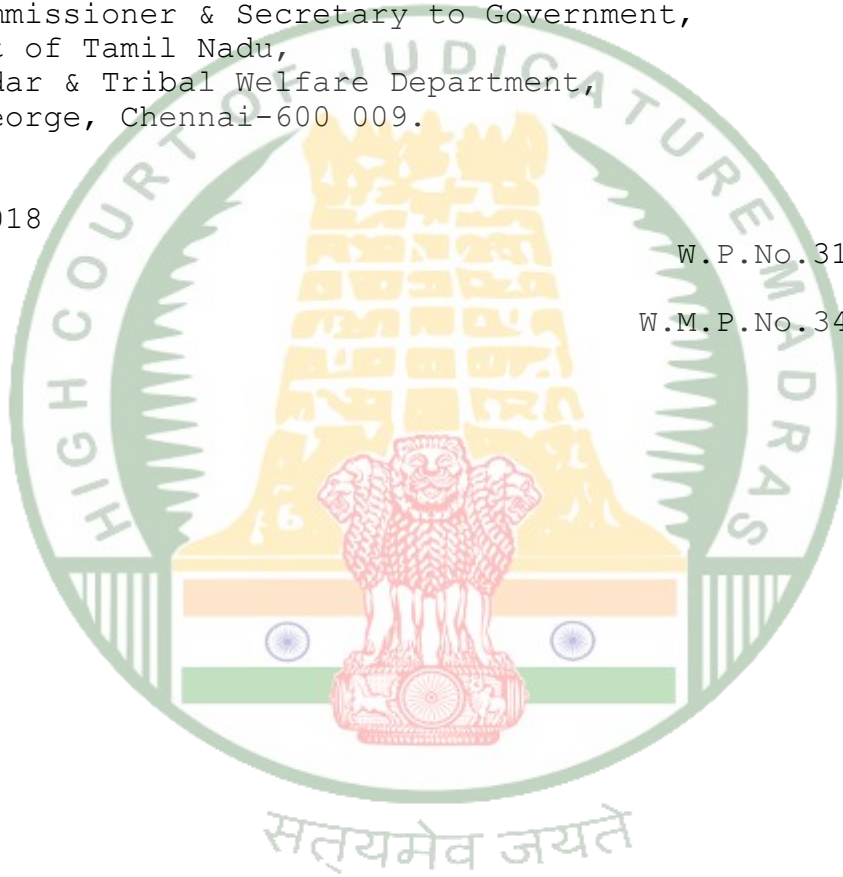
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BR(CO)
sm:20.4.2018

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