

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K. SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.2834 of 1999

1. Periyasamy
2. Athi Durairaj

..... Petitioners

-vs-

1. The District Collector,
Tuticorin.
2. Special Tahsildar, (ADW)
Tiruchendur.

..... Respondents

PRAYER: PETITION filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorari calling for the records relating to the order passed in Na.Ka.Aaa.Na.7/2120/98 dated 09.01.1999 passed by the first respondent published in the Tuticorin District Gazette and quash the same.

For Petitioners : Mr.D.Arul for
For M/s.A.R.Nixon

For Respondents : Mr.V.Anandhamurthy, AGP

सत्यमेव जयते
O R D E R

[Order of the Court was made by
R.SUBRAMANIAN, J.]

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Challenge in this Writ Petition is to the notice issued by the second respondent under Section 4(2) of the Tamil Nadu Acquisition of land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978).

2. The Writ Petition was admitted and an order of interim stay of dispossession was granted.

3. The learned Additional Government Pleader has produced the files from which it is seen that after the issuance of notice under Section 4(2), enquiry has been conducted and the objections of the land owners have been overruled, resulting in the publication of notification under Section 4(1) in the Tuticorin District Gazette on 09.01.1999. From the files it is seen that no award has been passed till date.

4. In view of the passage of time, we are of the opinion that it will be in the interest of justice that the authorities have a relook on the necessity for acquisition of the land for the purpose of providing burial ground for the Harijans in Veeramanickam Village, Tuticorin District.

5. We therefore direct the Special Tahsildar, (Adi Dravidar Welfare) Tuticorin to conduct an enquiry regarding the necessity for proceeding with the acquisition and take a decision in this regard.

6. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Tuticorin.

2. Special Tahsildar, (ADW)
Tiruchendur.

+1cc to Mr.A.R.Nixon, Advocate Sr.53873
+1cc to the Government Pleader Sr.54117

W.P.No.2834 of 1999

gmr[co]
srg 20/08/2018