

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31-10-2018

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3884 of 2013

S.V.Kothandaraman

.. Petitioner

..Vs..

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Social Welfare Department,
Fort St. George,
Chennai-600 009.
- 2.The State of Tamil Nadu,
Represented by its Secretary to the Government,
Adi-Dravida Welfare Department,
Fort St. George,
Chennai-600 009.
- 3.The District Collector,
Kancheepuram District,
Kancheepuram.
- 4.The District Revenue Officer and
Additional District Magistrate,
Kancheepuram District,
Kancheepuram.
- 5.The Tahsildar,
Uthiramerur Taluk,
Uthiramerur,
Kancheepuram District.
- 6.The Special Officer,
Adi-Dravida and Tribal Welfare,
Kancheepuram District,
Kancheepuram.
- 7.The Special Tahsildar,
(Adi-Dravida Welfare),
Kancheepuram.

8.M/s.Bharat Petroleum Corporation Ltd.,
Represented by its Managing Director,
No.35, Vaidyanatha Mudali Street,
Tondiarpet,
Chennai-600 081.

9.Mr.G.Karunakaran

.. Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the orders in Na.Ka.18654/2012/M3 dated 22.11.2012 (Received under RTI Act, on 8.2.2013) on the file of the fourth respondent, quash the same and to direct the third respondent to take action in compliance of the order dated 7.12.2012 passed by the Hon'ble High Court of Madras in WP No.19145 of 2012.

For Petitioner : Mr.S.Jeevanathan for
M/s.R.Sankarasubbu.
For Respondents-1to7 : Mrs.A.Shrijayanthi,
Special Government Pleader.
For Respondent-8 : Mr.O.R.Santhanakrishnan
For Respondent-9 : Mr.J.Karthikeyan

O R D E R

The relief sought for in the present writ petition is to call for the records in relation to the orders passed by the fourth respondent in proceedings dated 22.11.2012 and direct the third respondent to take action in compliance of the order dated 7.12.2012 passed by this Court in WP No.19145 of 2012.

2. The order dated 22.11.2012 was passed by the District Revenue Officer stating that the land acquisition proceedings initiated in respect of the land in question in the present writ petition was dropped and the land was handed over to the original owners. Accordingly, the very dispute raised by the writ petitioner that the land was acquired by the Government is incorrect and the acquisition proceedings were dropped and the lands were handed over to the original owners.

3. The learned counsel, appearing on behalf of the eighth respondent-Petroleum Corporation, brought to the notice of this Court that on account of the dispute in respect of the land acquisition, the Corporation suspended the 'No Objection

Certificate' issued in favour of the ninth respondent for sometime. Subsequently, the Corporation came to know that the acquisition proceedings were dropped and accordingly restored the 'No Objection Certificate' in favour of the ninth respondent. Accordingly, the ninth respondent is running a Retail Vending Outlet of petroleum products for the past many years and therefore, the claim of the writ petitioner is devoid of merits.

4. The learned counsel, appearing on behalf of the ninth respondent, also states that he is the owner of the property in which the Retail Vending Outlet is being run by the ninth respondent. The ninth respondent is running a Petrol Bunk by properly getting 'No Objection Certificate' from the Competent Authorities. Therefore, the ninth respondent is running a Retail Vending Outlet in accordance with the procedures contemplated under law and therefore, the writ petition is liable to be dismissed.

5. The claim of the writ petitioner is based on the acquisition proceedings initiated by the Government in respect of the land possessed by the ninth respondent. Now it is brought to the notice of this Court that the land acquisition proceedings were dropped and the 'No Objection Certificate' granted in favour of the eighth respondent was also restored and the ninth respondent is running a Retail Vending Outlet in respect of the petroleum products.

6. The learned counsel for the writ petitioner urged this Court by stating that the land acquisition proceedings initiated were not dropped at all. In fact, the lands were already allotted in favour of the beneficiaries and patta was also granted. Thus, the writ petition deserves to be considered.

7. Today, Mr.G.Dayalan, Senior Revenue Inspector, Taluk Office, Uthiramerur Taluk, Kancheepuram District, has appeared before this Court and assisted the learned Special Government Pleader.

8. The learned Special Government Pleader appearing on behalf of the official respondents brought to the notice of this Court that even in proceedings dated 22.11.2012, the District Revenue Officer, Kancheepuram, has categorically made a finding that an alternate land was already provided in favour of all the 102 beneficiaries in Survey No.70/2, Kurumpirai Village and the said land was acquired under the land acquisition Act and patta was also granted in favour of all the 102 beneficiaries. This apart, the acquisition proceedings in respect of Survey Nos.36/1 and 36/3A was dropped and to that effect, the Government issued G.O.No.937, Social Welfare Department, dated 26.05.1976 and the

said Government Order was published in the Government Gazette on 16.06.1976. Thus, the acquisition proceedings initially taken by the competent officials were dropped and thereafter, an alternate land was provided to all the beneficiaries in Survey No.70/2 at Kurumpirai Village, Uthiramerur Taluk, Kancheepuram.

9. This being the factum of the case, all the beneficiaries are directed to enjoy the said land allotted in their favour, as per the proceedings of the official respondents. It is further stated that patta has also been granted. Hence, all the beneficiaries are at liberty to occupy the said lands and construct house for their residence.

10. The learned Special Government Pleader informs this Court that even if there is any encroachment in the alternate lands, the same will be removed by following the procedures contemplated under statutes, and accordingly, 102 original beneficiaries will be permitted to occupy the said lands for the purpose of construction of houses.

11. Thus, it is made clear that the alternate land provided in Survey No.70/2 at Kurumpirai Village, Uthiramerur Taluk, Kancheepuram, shall be cleared and provided for the welfare of the all the original beneficiaries to whom the patta was granted by the Tahsildar.

12. This being the factum of the case, the grounds raised in the present writ petition are devoid of merits and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

Svn/mkn

To

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

WEB COPY

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State of Tamil Nadu,
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No.35, Vaidyanatha Mudali Street,
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Chennai-600 081.

+1 cc to Mr.R.Sankarasubbu, Advocate Sr.No.74963

+1 cc to Mr.J.Karthikeyan, Advocate Sr.No.74228

+1 cc to Mr.O.R.Santhanakrishnan, Advocate Sr.No.74214

+1 cc to The Government Pleader Sr.No.75873

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WP No.3884 of 2013

EV(CO)
CSL/26.11.2018