

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.12743 of 2017

and

W.M.P.No.13594 of 2017

L.Ravi

... Petitioner

Vs

1. State of Tamil Nadu
Represented by the Secretary to Government,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai-600 009.

2. The District Collector,
Vellore District,
Vellore.

3. The Special Tahsildar (L.A.)
Adi Dravidar Welfare,
Vellore, Vellore District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents herein not to take any coercive proceedings with regard to the acquisition of the petitioner's land in S.Nos.219/16, 219/17 and 220/2B with constructions thereon in Sembedu Village, Vellore Taluk.

For Petitioner : Mr.S.Rajkumar

For Respondents : Mr.Akhil Akbar Ali
Government Advocate

O R D E R

The grievance of the petitioner is that the petitioner owned a parcel of land in S.Nos.219/16, 219/17 and 220/2B with constructions thereon in Sembedu Village, Vellore Taluk. The said land was sought to be acquired, that the petitioner was served with notice under Section 4(2) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978, that

the petitioner has filed his objections to the same, that without completing the enquiry contemplated therein and skipping the mandatory requirements under Section 4(3) followed by Section 4(1) of the said Act, the authorities are attempting to take possession of the petitioner's property and therefore, the petitioner has come forward with this present petition for mandamus seeking to forbear the respondents from dispossessing the petitioner.

1. 2. It is also averred in the petition that the petitioner has challenged the 4(2) notice dated 20.03.2011 referred to above, in W.P.No.7027 of 2001, and on 11.07.2008 he has suffered an order of disposing his petition. The petitioner submits that thereafter, nothing was heard from the authorities as to the stage in which the acquisition proceedings, pursuant to Section 4(2) notice referred to above. These are the additional facts on the basis of which the petitioner seeks to sustain his prayer now.

2. Mr.Akhil Akbar Ali, learned Government Advocate enters appearance for the respondents, has filed the counter.

3. The counter in essence highlights the following aspects :

- Challenging the order in W.P.No.7027 of 2001, the petitioner has preferred an appeal in W.A.No.1280 of 2009 and this was dismissed on 10.09.2009.
- And for administrative reasons, the matter has not gone to the next stage, that the Collector being satisfied with the proposal under Section 4(2) within the meaning of 4(3) and the notification issued under Section 4(1) of the Tamil Nadu Act, 31 of 1978 is yet to be issued.

4. The statements made available in the counter and statements made by the learned Government Advocate are recorded. This petition is therefore allowed and there shall be a mandamus forbearing the respondents from dispossessing the petitioner's property now. However, nothing precludes the authorities from initiating any further acquisition proceedings for any of the public purposes as per the law applicable to the same in future.

5. With this direction and observation, the present petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

ssn

To

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

2. The District Collector,
Vellore District,
Vellore.

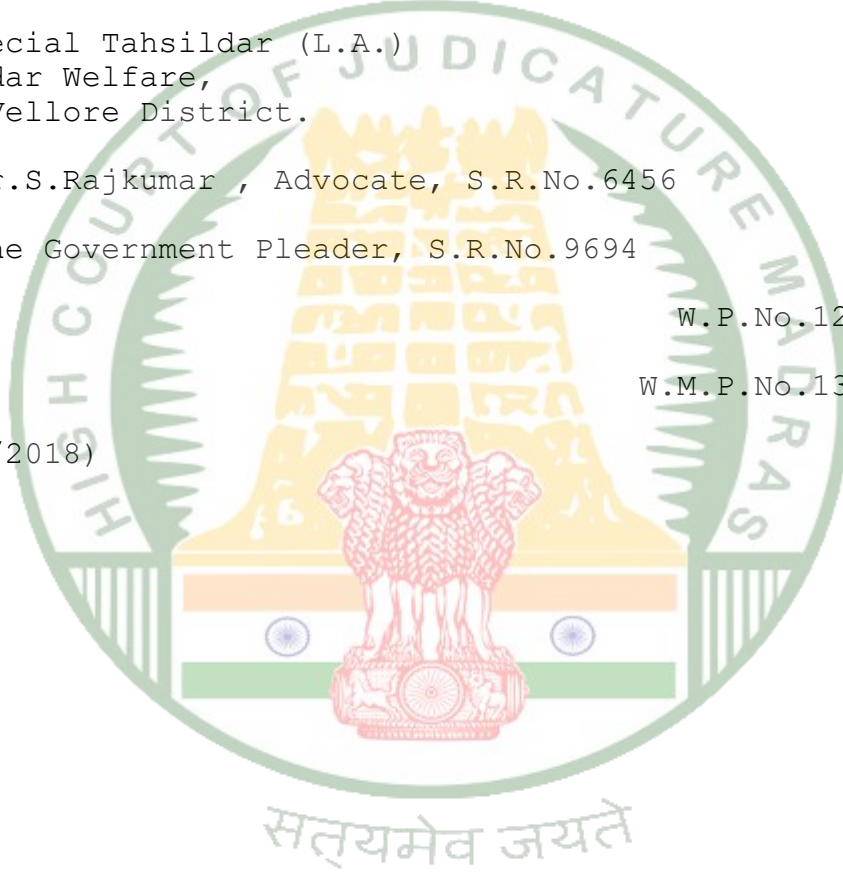
3. The Special Tahsildar (L.A.)
Adi Dravidar Welfare,
Vellore, Vellore District.

+1cc to Mr.S.Rajkumar , Advocate, S.R.No.6456

+1cc to the Government Pleader, S.R.No.9694

W.P.No.12743 of 2017
and
W.M.P.No.13594 of 2017

SAI (CO)
RRK (26/02/2018)



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