

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11..09..2018

CORAM

THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.17779 of 2014

and

M.P.Nos.2 and 3 of 2014

- 1.V.Muthunarayanan Reddiar
- 2.V.Jothi
- 3.Kothandan
- 4.V.Rani

... Petitioners

-Versus-

- 1.State of Tamil Nadu,
Represented by its Secretary,
Adi Dravida Welfare Department,
Fort St. George,
Chennai 600 009.

- 2.The District Collector,
Office of the Collectorate,
Cuddalore.

- 3.The Special Tahsildar,
(Adi Dravida Welfare Scheme),
Office of the Special Tahsildar,
Cuddalore.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the entire records relating to the impugned proceedings of the 2nd respondent in proceeding No.W2/9150/2012 dated 28.05.2014 and to quash the same.

For Petitioner : Mr.D.Ravichander

For Respondents : Mr.D.Raja, Additional
Government Pleader for
R1 to R3

ORDER

The petitioner challenges the order of the 2nd respondent - District Collector, Collector dated 28.05.2014 in proceedings No.W2/9150/2012 whereby he rejected the objection petition of the petitioners dated 07.01.2013 in respect of acquisition of their land comprised in S.Nos.45/7A and 45/7B at

Thottapattu Village, Cuddalore Taluk and District, measuring an extent of 0.74.5 Hectare for the purpose of provision of house sites to landless Adi Dravidas of Thottapattu Village.

2. According to the petitioners, they are the owners of the land in question. Earlier, their land was sought to be acquired under The Tamil Nadu Harijan Welfare Schemes Land Acquisition Act, 1978 [Tamil Nadu Act 31 of 1978] and a notification under Section 4(1) of the Act was also issued. The above said acquisition proceedings was challenged by the petitioner before this court in W.P.No.18379 of 2013 and this court by order dated 18.09.2013 allowed the writ petition and quashed the 4(1) Notification. This court had, however, granted liberty to the respondents to proceed further in accordance with law, if they so desire. But, at the same time, this court had directed the respondents to consider the passage of time before initiating the land acquisition proceedings again. Thereafter, no proceedings was initiated for the acquisition of land in question. While so, the 2nd respondent passed the impugned order rejecting the objection filed by the petitioner in the earlier acquisition proceedings initiated under Act 31 of 1978. It is this order now under challenge in this writ petition.

3. Heard both sides.

4. As rightly pointed out by the learned counsel for the petitioner already this court by order dated 18.09.2013 in W.P.No.18379 of 2013 quashed the land acquisition proceedings initiated in Na.Ka.W2/944/2004 dated 28.05.2013. Even though liberty was given to the respondents to proceed further in the matter with in accordance with law, if they so desired, no fresh proceedings was initiated to acquire the land in question. While that being the position, the 2nd respondent by way of impugned order rejected the objection of the petitioners dated 07.02.2013 for the acquisition of land in question. The above said objection was filed by the petitioners before they approached this court challenging the notification issued under Section 4(1) of the Act. Subsequently, the writ petition filed by the petitioners came to be allowed and the entire acquisition proceedings had been quashed by this court. A perusal of the impugned order shows the complete non application of mind on the part of the 2nd respondent as there was no acquisition proceeding pending on the date of impugned order. Thus, on this ground alone the impugned order is liable to be rejected.

5. At this juncture, the learned Additional Government Pleader prayed this court that liberty may be granted to the respondents to initiate land acquisition proceedings, if they require. It is needless to point out that this court had already by order dated 18.09.2013 in W.P.Nos.18397 and 19856 of

2013 granted liberty to the respondents, but, at the same time, respondents were required to consider the passage of time if they wanted to proceed with further in accordance with law. Therefore, no fresh order needs to be passed in this writ petition.

6. In the result, the Writ Petition is dismissed. No costs. Consequently, connected MPs are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kmk

To

1.The Secretary, Adi Dravida Welfare Department, Fort St.
George,
Chennai 600 009.

2.The District Collector, Office of the Collectorate,
Cuddalore.

3.The Special Tahsildar, (Adi Dravida Welfare Scheme), Office
of the
Special Tahsildar, Cuddalore.

+1cc to Mr.D.Ravichander, Advocate sr.no.63356

+1cc to Government Pleader sr.no.63441

W.P.No.17779 of 2014

nr 16/10/2018

सत्यमेव जयते

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