

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2018

CORAM

The Honourable Mr. Justice S.M.SUBRAMANIAM

W.P.Nos.13814 to 13816 of 2013

and

W.M.P.Nos.2,2,2,3,3, & 3 of 2013

T.Mohan ...Petitioner in W.P.No.13814 of 2012
P.Baluswamy ...Petitioner in W.P.No.13815 of 2012
Kolanchinathan ...Petitioner in W.P.No.13816 of 2012

Versus

1. The District Collector,
Cuddalore District,
Cuddalore-607 001.
2. The Special Tahsildhar for
Land Acquisition (Adi Dravidar)
Chidambaram 608 001. ... Respondents in all WPs.

Prayer in W.P.No. 13814 of 2013: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the 1st respondent relating to the notification under Section 4(1) on Form-2 dated 14.11.1995 published in South Arcot District Gazette under Act 31 of 1978 in respect of lands in Survey No.44/3A measuring 0.18.0 Hectares of Allur Madhura, Bhudhangudi Village, Chidambaram Taluk and consequent impugned circular in Na.Ka.2765 / 1995 dated 22.11.2012 of 2nd respondent.

Prayer in W.P.No. 13815 of 2013: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the 1st respondent relating to the notification under Section 4(1) on Form-2 dated 14.11.1995 published in South Arcot District Gazette under Act 31 of 1978 in respect of lands in Survey Nos.45/13A2-0.16.0 Hectares, 45/14A1-0.03.0 Hectares and 45/14A2-0.01.0 Hectares of Allur Madhura, Bhudhangudi Village, Chidambaram Taluk and consequent impugned circular in Na.Ka.2765 / 1995 dated 22.11.2012 of 2nd respondent.

Prayer in W.P.No. 13816 of 2013: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari, to call for the records of the 1st respondent relating to the notification under Section 4(1) on Form-2 dated 14.11.1995 published in South Arcot District Gazette under Act 31 of 1978 in respect of lands in Survey Nos. 45/12B measuring 0.11.5 Hectares and 45/13A1 measuring 0.19.0 Hectares of Allur Madhura, Bhudhangudi Village, Chidambaram Taluk and consequent impugned circular in Na.Ka.2765/1995 dated 22.11.2012 of 2nd respondent.

For Petitioner : Mr.K.R.Drishnan
In all Wps.
For Respondents: Mr.D.Raghu
In all Wps. (Government Advocate)

C O M M O N O R D E R

The notification issued under Section 4(1) in Form-II dated 14.11.1995 published in South Arcot District Gazette under Act 31 of 1978 in respect of lands in Survey Nos.44/3A measuring 0.18.0 Hectares, 45/13A2-0.16.0 Hectares, 45/14A1-0.03.0 Hectares and 45/14A2-0.01.0 Hectares, 45/12B measuring 0.11.5 Hectares and 45/13A1 measuring 0.19.0 Hectares, respectively, of Allur Madhura, Bhudhangudi Village, Chidambaram Taluk and consequent impugned circular in Na.Ka.2765 / 1995 dated 22.11.2012 issued by the second respondent are under challenge in this writ petition.

2.The petitioners claim that they are the absolute owners of the lands in survey Nos.44/3A measuring 0.18.0 Hectares, 45/13A2-0.16.0 Hectares, 45/14A1-0.03.0 Hectares and 45/14A2-0.01.0 Hectares, 45/12B measuring 0.11.5 Hectares and 45/13A1 measuring 0.19.0 Hectares and are in possession and enjoyment of the same. The lands described in the present writ petitions are agricultural lands even at the time of filing of the writ petitions.

3.The learned counsel appearing on behalf of the writ petitioners made a submission that the present writ petitions are filed, challenging the 4(1) notification issued by the Competent authorities on 14.11.1995. The consequential circular issued by the second respondent on 22.11.2012, is also under challenge in these writ petitions. The grievance of the writ petitioners are that they are in possession and enjoyment of the properties and the authorities competent had erroneously issued

the 4(1) notification without even providing any opportunity of hearing, to the petitioners.

4.The learned Government Advocate opposed the contention raised on behalf of the writ petitioners by stating that the acquisition proceedings were completed and a general circular was issued by the second respondent on 22.11.2012 stating that no encroachment can be done in respect of the properties, which were already acquired, and there cannot be any cultivation, In view of the fact that the lands were acquired for the purpose of allotting house sites under the Adi Dravidar scheme.

5.This court is of an opinion that the 4(1) notification issued under the Land Acquisition Act is challenged in the present writ petitions after a lapse of above 17 years. The said notification was issued on 14.11.1995 and the writ petitions were filed on 24 December 2012. Thus, 17 years had lapsed and in order to maintain the present writ petitions the writ petitioners have chosen to challenge the circular issued by the second respondent on 22.11.2012. The said circular is enclosed in page No.5 of the typed set of papers filed along with the writ petitions.

6.On perusal of the said circular it is stated that the lands in question were acquired for the welfare of the Adi Dravida people for grant of free house sites. Owners of the said lands filed W.P.Nos.7576 and 7577 of 1996 and this Court also passed an order on 08.07.11 in favour of the Government. Accordingly, the lands were acquisition proceedings were concluded and the entire land was acquired by the authorities and the same was kept for the purpose of implementing House Sites Scheme for poor homeless Adi Dravida people. The circular further states that no body should encroach the said land and further there cannot be any cultivation in respect of the land already acquired under the provisions of the Land Acquisition Act. The said circular is only as information provided to all concerned. The land was acquired for the purpose of allotting house sites to poor Adi Dravida people and the same should not be encroached nor any cultivation is permitted in the said land. Such a circular would not constitute any cause of action to prefer the present writ petitions. Contrarily the said circular is challenged in order to maintain the present writ petitions, which was filed after a lapse of 17 years from the date of issuance of the 4 (1) notification by the Authorities competent. In view of the fact that the circular itself says that this Hon'ble Court already confirmed the land Acquisition proceedings initiated by the Competent Authority and the land was already utilised for the purpose of implementing the Adi Dravida Scheme, there is no reason to consider the grounds raised in the present writ petitions and the same is devoid of merits.

7. Accordingly, the writ petitions stand dismissed. However, there shall be no order as to costs. Consequently connected miscellaneous petitioners are also dismissed.

-s/d-
Assistant Registrar (CS-IX)

True Copy

Sub-Assistant Registrar

stm/nmm

To

1. The District Collector,
Cuddalore District,
Cuddalore-607 001.
 2. The Special Tahsildhar for
Land Acquisition (Adi Dravidar)
Chidambaram 608 001.
- +1 CC to Mr.K.R. Krishnan, Advocate sr 45678.

W.P.Nos.13814 to 13816 of 2013

SPD(CO)
SP(31/07/2018)

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