

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No. 39100 of 2004

Ramanathan

.. Petitioner

Vs

1. The District Collector,
Collectorate,
Perambalur District.

2. The Special Tahsildar and
Land Acquisition Officer,
Adi-Dravidar Welfare Department,
Ariyalur, Perambalur District

.. Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified mandamus and call for the records from the second respondent pertaining to the impugned notice, Na.Ka.A/594/2002 dated 19.11.2004 issued by the second respondent and quash the same and consequently direct the second respondent to acquire the land wherever available of waste land in the adjacent to the proposed land.

For Petitioner :Mr.P.Vijendran

For Respondents:Mr.M.Elumalai,
Government Advocate

O R D E R

This writ petition has been filed challenging the notice dated 19.11.2004 issued under Section 4(2) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act.(Herein after referred to "Act").

2. The facts leading to file the writ petition are as follows:

The petitioner is claiming to be the sale agreement holder from the original landlord in respect of Survey No.14/1. Earlier, the lands were sought to be acquired for providing house sites to Adidravidas of Vazhaikurichi Village in Ariyalur Taluk, and a notice under Section 4(2) of the Act, has been issued to the owner of the land. Now, the petitioner

claiming to be a sale agreement holder, filed the writ petition on the ground that no notice has been issued to him for enquiry.

3. The respondents have filed a counter affidavit stating that one Subramania Ayyar and Ruckmani Kandam are the owners of the land in the said Survey Numbers and the notice has been issued under Form No.III under 3(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act. After receipt of the notice, the land owners sought time for submitting their objections. Despite several adjournments given by the Acquisition Officers, the land owners did not come forward to file their objections. Thereafter, a notice has been issued under Section 4(1) of the Act on 12.10.2004 and the same was also published in the Gazattee. Subsequently, an Award Enquiry was also conducted, in which the petitioner herein has appeared as a Power of Attorney of the original land owner and raised his objections claiming to be a tenant under the land owner, but the petitioner has not produced any materials to show that he is the tenant under the original owner, and the petitioner cannot maintain the Writ petition.

4. I have considered the rival submissions and perused the materials available on records.

5. The petitioner, claims to be an Agreement Holder under the original land owner; now challenging the notice issued under Section 4(2) of the Act. Admittedly, he is an agreement holder and even in the sale agreement, the possession was also not given to him. In the said circumstances, being the agreement holder, the petitioner do not have any right to challenge the land acquisition proceedings. That apart, now a final notification under Section 4(1) of the Act has also been issued and an award was also passed. In the said circumstances, the prayer sought for in the writ petition cannot be granted. Hence, I find no merits in the writ petition.

6. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-V)

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Sub Assistant Registrar

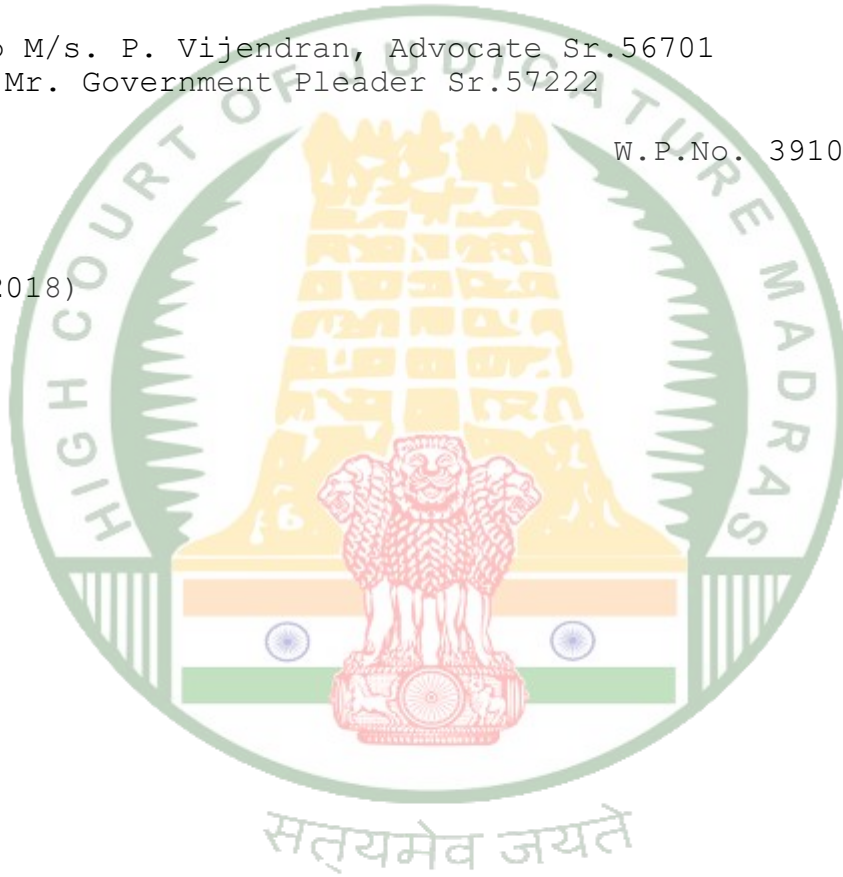
To

1. The District Collector,
Collectorate,
Perambalur District.
2. The Special Tahsildar and
Land Acquisition Officer,
Adi-Dravidar Welfare Department,
Ariyalur, Perambalur District.

+ 1 cc to M/s. P. Vijendran, Advocate Sr.56701
+ 1 cc to Mr. Government Pleader Sr.57222

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VSNI (CO)
EU (20/09/2018)



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