



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.09.2018

CORAM:

THE HONOURABLE JUSTICE MRS. PUSHPA SATHYANARAYANA

and

THE HONOURABLE JUSTICE MRS. T. KRISHNAVALLI

W.A(MD)No.325 of 2011
in WP(MD).9589 of 2010

1.K.Chinnasamy
2.K.Lakshmana Gounder
3.S.Paramasiva Pandian
4.R.Subbulakshmi

.... Appellants/Petitioners

Vs.

1.The Government of Tamilnadu
Represented by the Deputy Secretary,
To Government, Adi Dravidar
and Tribal Welfare Department,
Fort. St.George,
Madurai - 600 009.

2.The District Collector,
Madurai.

3.The Thasildhar,
Tirumangalam Taluk,
Madurai District.

4.The Special Thasildhar,
(Adi Dravidar Welfare and
Land Acquisition Officer),
Usilampatti Taluk,
Madurai District.

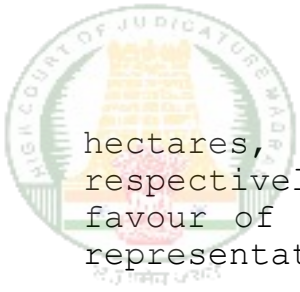
5.The Zonal Deputy Thasildhar,
Thirumangalam Taluk,
Madurai District.

... Respondents/Respondents

PRAYER: The Writ Appeal - filed under Clause 15 of the Letters Patent against the order dated 02.12.2010 made in W.P.(MD) No.9589 of 2010.

Prayer in WP(MD). 9589/ 2010 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF MANDAMUS, directing the Respondents to cancel the "A" settlement Register classified as Adi Dravidar Natham in respect of the properties comprised in S.Nos.285/3B, 285/7, 285/10A, 285/10B to an extent of 0.27.0



hectares, 0.34.0 hectares, 0.22.0 hectares, 0.23.0 hectares respectively and re-issue Patta in respect of the properties in favour of the petitioners and the other petitioners based on their representation dated 25-09-2009.

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For Appellants : Mr.R.G.Shankar Ganesh

For Respondents : Mrs.J.Padmavathi Devi
Special Government Pleader

J U D G M E N T

**(Judgment of this Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

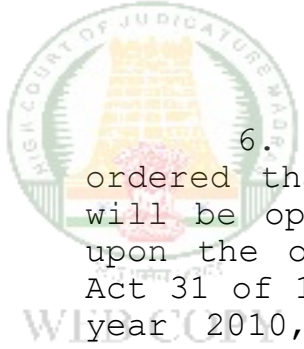
This Writ Appeal is directed against the order of the learned Single Judge made in W.P.(MD) No.9589 of 2010 dated 02.12.2010 dismissing the writ petition, which was filed seeking issuance of writ of mandamus directing the respondents to cancel 'A' settlement Register classified as Adi Dravidar Natham and re-issue patta in respect of the properties in favour of the petitioners based on their representation dated 25.09.2009.

2. The lands of the appellants were acquired under Central Act for the purpose of executing the Harijan Welfare Scheme. However, by that time, a draft declaration was sent under Section 6 of the Land Acquisition Act to the Government. The Central Act 31 of 1978 came into force with effect from 01.08.1995 and the award enquiry was conducted on 15.11.1995 as per award No.4/95-96. The lands were acquired and compensation was kept under revenue deposit.

3. It is now stated that one Perumal received the compensation under protest. Challenge to the Act 31 of 1978 was upheld by the Hon'ble Supreme Court of India and the learned Single Judge directed that if the award was not passed on the date of judgment, the authorities will have to take recourse to the provisions of the said enactment namely, the Tamilnadu Act 31 of 1978.

4. According to the appellants, when the earlier proceedings was nullified, they have applied for the patta to be issued by the respondents.

5. However, it is the statement of the Government that the lands in questions are very much in requirement in carrying out the Scheme as per the original notification. The learned Special Government Pleader states that the proposal dated 28.02.2010 is still alive. This is the statement of the appellants that they are in possession of the lands, however, without the revenue records.



6. The learned Single Judge based on the above facts had ordered that if any notification is issued by the Government, it will be open to the appellants to work out their remedy depending upon the outcome of the proceedings initiated under the Tamilnadu Act 31 of 1978. Despite the proposal being issued as early as in the year 2010, there is no progress in the same and there is no disturbance to the possession of the writ appellants till today. The direction given by the learned Single Judge holds good. The same need not be interfered with by this Court.

7. In fine, this Writ Appeal is disposed of, giving liberty to the appellants to seek appropriate legal remedies as and when the respondents initiate proceedings. No costs.

Sd/-

Assistant Registrar (ADI)

// True Copy //

Sub Assistant Registrar(CS-I)

CM

TO

1.The Deputy Secretary,
The Government of Tamilnadu
To Government, Adi Dravidar
and Tribal Welfare Department,
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2.The District Collector,
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+1 CC TO The Special Government Pleader SR.NO. 86376

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