



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17109 of 2008

and

MP.No.1 of 2009

1. Kalaiselvan
 2. Manivasagam
 3. Pugazhenth
 4. Thulasiammal
- Petitioners are substituted vide order
dated 11.09.2018 in WMP.No.24883/2018
by CSNJ

...Petitioners

Versus

1. The District Collector,
Ariyalur District,
Ariyalur.
2. The Special Tahsildar,
Adi Dravida Welfare,
Ariyalur.

...Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records in respect of acquisition of the petitioner's land bearing its survey Nos.362/2, 362/3, 362/4 at Kaduvettan Kurichi village, Udayarpalayam Taluk, Ariyalur District, by the 2nd respondent through Na.Ka.A.No.1019/2007 dated 12.11.2007 and quash the same.

For Petitioner : Mr.R.Sethuvarayar

For Respondents : Mr.M.Elumalai,
Government Advocate



O R D E R

This Writ Petition has been filed seeking Certiorari, calling for the records in respect of acquisition of the petitioner's land bearing its survey Nos.362/2, 362/3, 362/4 at Kaduvettan Kurichi village, Udayarpalayam Taluk, Ariyalur District, by the 2nd respondent through Na.Ka.A.No.1019/2007 dated 12.11.2007 and quash the same.

2.The petitioner (deceased) was the owner of the agricultural lands in S.Nos.362/2-0.26.5, 362/3-0.28.5, 362/4-0.60.5 at Kaduvettan Kurichi Village, Udayar Palayam Taluk, Ariyalur District. While the petitioner was in enjoyment and possession of the said agricultural lands, the second respondent initiated proposals for acquisition under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (hereinafter called as 'The Act') and issued notice under Section 4(2) of the Act on 12.11.2007, through Na.Ka.No.1019 of 2007, to acquire the aforesaid land for the purpose of allotting house sites to the Harijan people, belonging to that village. Immediately after receipt of the impugned notice, the petitioner made an objection to the first respondent and also appeared before the authorities concern for an enquiry and submitted the objections and the same was recorded. The petitioner has also identified some other lands, which may be suitable for acquisition. However, since the same was not considered, the petitioner has filed the present petition with the aforesaid prayer.

3.Mr.R.Sethuvarayar, learned counsel for the petitioners submitted that though the petitioner on receipt of the notice have submitted his objection and also appeared before the Village Administrator Office, T.Chozhan Kurichi Village and also identified some other suitable lands, which can be acquired for the said purpose. Therefore, he prays for allowing this petition.

4.Mr.M.Elumalai, learned Government Advocate appearing for the respondents would submit that the notice under Section 4(2) of the Act is only a show cause notice and if the petitioner had appeared before the concerned authorities and if the grievance of the petitioner is genuine, the same would have been considered at the relevant point of time. The learned Government Advocate would further submit that on 13.06.2018, the petitioner has given a consent letter for acquisition of his property under the said act. Suppressing the said fact, the petitioner filing this petition is unsustainable.

5.Heard Mr.R.Sethuvarayar, learned counsel appearing for the petitioner and Mr.M.Elumalai, learned Government Advocate



appearing for the respondents.

6. Admittedly, the 4(2) notice under the Act is only a show cause notice and the petitioner has appeared before the authorities and expressed his objections. It appears that the authorities viz., the Village Administrative Officer, T. Chozhan Kurichi Village have recorded the petitioner's objections and forwarded his recommendation to the first respondent. After considering the same, the first respondent, who is the competent authority has to pass suitable orders. Thereafter, the petitioner is at liberty to approach this Court challenging the order of the first respondent, if aggrieved.

7. Therefore, considering the limited prayer sought for by the petitioner to consider his representation and objection and pass orders, this Court is inclined to issue direction to the first respondent to consider the representation of the petitioner and pass orders on merits and in accordance with law from the date of receipt of copy of this order.

8. With the above direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar (CS VI)

//True Copy//

Sub Assistant Registrar

rm

To

1. The District Collector,
Ariyalur District,
Ariyalur.

2. The Special Tahsildar,
Adi Dravida Welfare,
Ariyalur.

+1cc to Mr. R. Sethuvarayar, Advocate, S.R.No.45907

+1cc to the Government Pleader, S.R.No.46401

W.P. No.17109 of 2008
and M.P.No.1 of 2009

BP (CO)
CS/05/09/2019