

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.06.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.34741 of 2007

and

W.M.P.No.29033 of 2016 & M.P.No.2 of 2007

T.A.Annamalai

...Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep.by the Secretary to Government
Revenue Department
Fort St. George
Chennai 600 009
- 2.The Commissioner of Land Administration
Ezhilagam
Chepauk, Chennai 600 005
- 3.District Collector
Thiruvannamalai District
Thiruvannamalai
- 4.The Special Tahsildar
Adi Dravidar Welfare
Polur
Thiruvannamalai District

... Respondents

Prayer:-

The writ petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for records relating to the order passed by the Special Tahsildar, Adi Dravidar Welfare, Polur, Thiruvannamalai District, the 4th respondents herein vide his proceedings No.A.855/2006 dated 19.07.2006 and quash the same as illegal, arbitrary, unreasonable, being violative of rules and principles of natural justice and thereby direct the respondents to exempt the petitioner's Lands to an extent of 0.37.0 Hectares comprised in Survey No.199/3 situated at Thellur Village, Arani Taluk, Thiruvannamalai District from the acquisition proceedings.

For Petitioner : Mr.A.Rajendran

For Respondents : Mr.J..Ramesh, AGP

O R D E R

The Writ petition has been filed by the petitioner, to issue a writ of Certiorarified Mandamus, to call for records relating to the order passed by the Special Tahsildar, Adi Dravidar Welfare, Polur, Thiruvannamalai District, the 4th respondents herein vide his proceedings No.A.855/2006 dated 19.07.2006 and quash the same as illegal, arbitrary, unreasonable, being violative of rules and principles of natural justice and thereby direct the respondents to exempt the petitioner's Lands to an extent of 0.37.0 Hectares comprised in Survey No.199/3 situated at Thellur Village, Arani Taluk, Thiruvannamalai District from the acquisition proceedings.

2.The learned counsel appearing for the petitioner would submit that the petitioner is an agriculturist owning agricultural lands in Survey No.199/3 to an extent of 0.37.0 Hecatres at Thellur Village, Arani Taluk, Thiruvannamalai District. In the said lands, the petitioner was digging a well of 60 feet depth and installed 3 Horse Power Electric Motor. The Tamilnadu Electricity Board also gave a free electricity for the agricultural purposes vide the proceedings of the Divisional Engineer, TNEB, Arani dated 20.03.1985. While being so, the Special Tahsildar (ADW), the 4th respondent herein, issued notice proceedings No.Na.Ka.A.282/2003 dated 05.04.2004 under Rule 3(1) of the Tamilnadu Acquisition of Land for Harijan Welfare Schemes Rules 1979 proposing to acquire the said lands for giving free house site patta for the Adi Dravidar community people. Therefore, the petitioner issued a legal notice to the 4th respondent on 17.04.2004 and representation dated 04.08.2004 to drop the said acquisition proposal. Thereafter, after two years, the 4th respondent has issued a 4(1) notification for acquisition of the petitioner's land. Hence, the petitioner is before this court praying for appropriate relief.

3.The learned Additional Government Pleader would submit that the petitioner has challenged the 4(2) notice, after which, 4(1) notification will be issued.

4.Considering the facts and circumstances of the case and also on a perusal of the records, it is seen that the petitioner has challenged the 4(2) notice, which is a show cause notice issued by the Land Acquisition Officer to the land owners calling upon them for objections if any. The Special Tahsildar (ADW) has forwarded his recommendation for acquisition to the

District Collector. Thereafter, the District Collector will consider the recommendations and objections if any and 4(1) Notification under the Land Acquisition Act will be issued to the land owners, but the petitioner has challenged the 4(2) notice which will be issued initially before the acquisition proceedings and this petition is prematured one.

5.This writ petition stands dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The State of Tamil Nadu,
Rep. by the Secretary to Government
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Thiruvannamalai
4. The Special Tahsildar
Adi Dravidar Welfare
Polur
Thiruvannamalai District

+lcc to Mr.A.Rajendran, Advocate, S.R.No.46826

+lcc to the Government Pleader, S.R.No.47488

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PVS (CO)
CS/29/07/2019