

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2019

CORAM

THE HON'BLE Mr. JUSTICE M.DHANDAPANI

W.P.No.36296 of 2003

- 1.Periammal
- 2.Uma
- 3.C.Nehru
- 4.P.Kalingaperumal
- 5.P.Mahalingam

...Petitioners

vs

1. The Tamil Nadu Government,
Rep.by its Commissioner and
Secretary to Government,
Adi-Dravidar Welfare Department,
Government of Tamil Nadu,
Chennai-600 009.
2. The District Collector,
Perambalur District,
Perambalur.
3. The Special Tahsildar,
Adi-Dravidar Welfare/Land
Acquisitions,
Ariyalur, Perambalur District,
P.C.621 704.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of Land Acquisition Proceedings under Section 5A notice dated 19.10.1975 of the then Special Tahsildar (Harijan Welfare) Land Acquisition, Ariyalur, now designated as the Special Tahsildar (Adi-Dravidar Welfare) Land Acquisition, Ariyalur, the 2nd respondent herein, quash the same and direct the respondents to hand over the vacant lands of the respondents in Survey Nos.204/4, an extent of 0.41 acres situated in Irugaiyur Village, Ariyalur Taluk, Perambalur District to the respondents.

For Petitioner
For Respondents

: M/s.R.Subramanian
: Mr.M.Elumalai,
Government Advocate

O R D E R

The petitioners have filed this writ petition for issuance of a Writ of Certiorarified Mandamus, to call for the records of Land Acquisition Proceedings under Section 5A notice dated 19.10.1975 of the then Special Tahsildar (Harijan Welfare) Land Acquisition, Ariyalur, now designated as the Special Tahsildar (Adi-Dravidar Welfare) Land Acquisition, Ariyalur, the 2nd respondent herein, quash the same and direct the respondents to hand over the vacant lands of the respondents in Survey Nos.204/4, an extent of 0.41 acres situated in Irugaiyur Village, Ariyalur Taluk, Perambalur District to the respondents.

2. The case of the petitioners is that they are the owners of the property in Survey No.204/4 for an extent of 0.41 Acres situated at Irugaiyur Village and the petitioners are the joint owners of the said land. However, Section 4(1) notification and other land acquisition proceedings were published in the name of the petitioner's grand father, who passed away in the year 1978. Immediately after 5(A) enquiry was conducted by the Land Acquisition Officer.

3. The petitioners' possession were not disturbed till 2003. Only later, he came to know that land acquisition proceedings were initiated against the petitioners' grandfather who died in the year 1978. Accordingly, the petitioners have filed a writ petition, challenging the 5(A) notice dated 19.10.1975 issued by the Special Tahsildar.

4. A perusal of the records clearly shows that the draft notification under Section 4(1) of the Act I of 1894 was approved for the acquisition proceedings published in the Fort St.George, Gazette dated 10.06.1970. Based on the notification, an enquiry under Section 5(A) was conducted by the Land Acquisition Officer and Special Tahsildar (Harijan Welfare), Ariyalur on 19.11.1970. After completion of the 5-A enquiry, declaration under Section 6 of the Act was submitted by the Land Acquisition Officer on 15.12.1970. On the recommendation of the Commissioner of Land Revenue and Land Reforms, Board of Revenue (Land Revenue) Chempauk, Madras-5, the Government have approved declaration under Section 6 of the Land Acquisition Act vide G.O.Rt.No.1281, Social Welfare Department dated 26.07.1972 and the same was got published in the Tamil Nadu Government Gazette dated 26.07.1972.

5. The respondents counsel stated that the contentions of the petitioners are not agreeable, because the Land Acquisition Officer and Special Tahsildar have inspected the site and

obtained a statement from the then Village Officers namely Village Munsif and Karnam. Hence the first petitioner's husband might have been known about the acquisition proceedings. Therefore, without challenging 4(1) notification and 6 declaration, the petitioners challenge to the 5(A) notification is not permissible.

5. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed. Liberty is granted to the petitioners to file an appropriate application in the manner known to law.

s/d-

Assistant Registrar (CS V)

True Copy

Sub-Assistant Registrar

ssb

To

1. The Commissioner and
Secretary to Government of Tamil Nadu
Adi-Dravidar Welfare Department,
Government of Tamil Nadu,
Chennai-600 009.
2. The District Collector,
Perambalur District,
Perambalur.
3. The Special Tahsildar,
Adi-Dravidar Welfare/Land
Acquisitions,
Ariyalur, Perambalur District,
P.C.621 704.

+1 CC to Govt. Pleader sr 64213.

+1 CC to Mr.R. Subramanian, Advocate sr 63224.

+2 Ccs to Mr.M. Saravana Kumar, Advocate sr 63041

RSI (CO)

SP(04/09/2019)