

IN THE HIGH COURT OF JUDICATURE AT MADRAS**DATED : 12.06.2019****CORAM****THE HONOURABLE MR.JUSTICE M.DHANDAPANI****W.P.Nos.24193 and 24194 of 2008****And****M.P.Nos.2 and 2 of 2008**

S.Prasad
S.Muthu

... Petitioner in W.P.No.24193/2008
... Petitioner in W.P.No.24194/2008

Vs.

1.The District Collector,
Thiruvannamalai District.

2.The Special Tazildar,
Harijan Welfare,
Polour Taluk,
Thiruvannamalai District. ... Respondents in both the W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the first respondent herein as published in the Thiruvannamalai Government Gazette, No.48 dated 21.08.2008 and to quash the same so far as it relates to the petitioners land in S.Nos.63/7 and 63/14A respectively, of Ganganallur Village, Polour Taluk, Thiruvannamalai District and consequently directing the respondents herein to drop the acquisition proceedings in respect of the petitioners land in S.Nos.63/7 and 63/14A respectively, of Ganganallur Village, Polour Taluk, Thiruvannamalai District.

For Petitioner : Mr.M.Sivarthanan
For Respondents : Mr.M.Elumalai
Government Advocate

COMMON ORDER

The petitioners have filed these petitions seeking issuance of Writ of Certiorarified Mandamus calling for the records of the first respondent herein as published in the Thiruvannamalai Government Gazette, No.48 dated 21.08.2008 and to quash the same in so far as it relates to the petitioners land in S.Nos.63/7 and 63/14A respectively, of Ganganallur Village, Polour Taluk, Thiruvannamalai District and consequently, to direct the respondents to drop the acquisition proceedings in respect of the petitioners land in S.Nos.63/7 and 63/14A respectively, of Ganganallur Village, Polour Taluk, Thiruvannamalai District.

2.The case of the petitioners is that the respondents with a view to provide pathway to the Harijans to reach the burial ground have decided to acquire portion of lands from the aforesaid survey numbers and issued notice under Section 4(2) of the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act, 1978 on 24.06.2005. Thereafter, the petitioners filed their objections for the said proposal

and the proceedings were dropped. Thereafter, the second respondent issued another notice under Section 4(2) of the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act, 1978, on 03.06.2008, for which also the petitioners submitted their detailed objections, however, without considering the same, the first respondent issued notification under Section 4(1) of the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act, 1978 on 21.08.2008. Aggrieved by the same, the petitioners have filed these writ petitions.

3.The learned counsel appearing for the petitioners would submit that similar Notification was set aside by this Court vide order dated 28.10.2008 made in W.P.Nos.23201 to 23205 of 2008 and granting liberty to the State to proceed the matter, if they require.

4.The learned Government Advocate did not dispute the fact that similar Notification was already set aside by this Court and he also did not report whether the State has the intend to proceed with the land acquisition proceedings.

5.Petitioners are also similarly placed persons. Hence, I am inclined to extend the benefit extended to the petitioners in W.P.Nos.23201 to 23205 of 2008 to these petitioners also.

6. Accordingly, the impugned orders are set aside in so far as the petitioners are concerned. It is open to the first respondent to initiate fresh proceedings, if they so desire to acquire the property, in accordance with law.

7. The writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petitions are also closed.

12.06.2019

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Speaking Order/ Non Speaking Order

Index: Yes/ No

Internet: Yes/ No

To

1. The District Collector,
Thiruvannamalai District.

2. The Special Tazildar,
Harijan Welfare,
Polour Taluk,
Thiruvannamalai District.

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M.DHANDAPANI,J.
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W.P.Nos.24193 and 24194 of 2008
And
M.P.Nos.2 and 2 of 2008

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12.06.2019