

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 12.03.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

WP.No. 22136 of 2005  
and  
WP.MP.No.24116 of 2005

1.Pichai Pillai

2.Ramaswamy

...Petitioners

Vs

1.The Government of Tamil Nadu,  
Represented by its Secretary,  
Land Reforms Department,  
Fort St. George, Chennai-9.

2.The District Collector,  
Perambalur.

3.The Land Acquisition Officer,  
& Special Tahsildar,  
Adi Dravidar Welfare,  
Perambalur.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the 2<sup>nd</sup> respondent bearing Na.Ka.No.II/30850/2000 dated 08.10.2003 and quash the same and direct the respondents to consider the formation of graveyard in Survey No.74, Poramboke land in Sinnamutlu Village, Malayalapatti Post, Veppanthattai Taluk, Perambalur District.

For Petitioners : Mr.C.Ravichandran

For Respondents : Mrs.P.Rajalakshmi, AGP

O R D E R

The petitioners herein were the original owners of the lands comprised in SF.No.81/1 and 81/2. When the respondents herein had initiated acquisition proceedings to acquire the

aforesaid lands, the petitioners herein had participated in the acquisition proceedings, whereby the 1<sup>st</sup> respondent had raised his objections and the 2<sup>nd</sup> respondent had consented for the acquisition proceedings. The 1<sup>st</sup> respondent's objections were overruled by the 3<sup>rd</sup> respondent herein. Subsequently, the acquisition proceedings came to be concluded and the award amount was also deposited in favour of the petitioners herein through Award No.6/2001-2002 dated 26.02.2002.

2.It is now the grievance of the petitioners that there are alternate Government Poramboke lands available in SF.No.74, which is more suitable for formation of Graveyard and therefore, the petitioners filed the present writ petition seeking to quash the earlier order of the 2<sup>nd</sup> respondent dated 08.10.2003, whereby the petitioners request in this aspect came to be rejected.

3.The learned counsel for the petitioners made a submission that the lands in SF.No.74 are more suitable for the graveyard and the present graveyard is now situated in the middle of a river. In view of the alternative site available, the acquisition for the road leading to the graveyard requires reconsideration.

4.The learned Additional Government Pleader placed her reliance on the averments made in the counter affidavit and stated that the acquisition proceedings had already been completed wayback in the year 2002 itself and that the acquired lands are now being used as a pathway to the graveyard.

5.It is seen that the petitioner herein had earlier filed a writ petition in WP.No.31212 of 2002 seeking for a similar relief for considering his request and this Court by an order dated 09.08.2002 had also directed the respondents to consider the petitioners' representation. The impugned order has been passed in pursuance to the order of this Court, rejecting the petitioners' request. In the light of the subsequent developments, whereby the acquisition proceedings had concluded about 16 years back and the lands are also now being used for the purpose of road leading to the graveyard, it would not be appropriate to interfere with the impugned order, rejecting the petitioners' request.

6.Furthermore, since the petitioners herein had already participated in the acquisition proceedings and the 1<sup>st</sup> petitioner had raised his objections which came to be overruled and the award was also passed, the appropriate remedy that would have been available to the petitioner at that point of time would be to challenge the acquisition proceedings itself. Since the petitioner has not availed such remedy, any further interference with the acquisition proceedings cannot be justifiable.

7.In the light of the above observations, I do not find any merits in the present writ petition. Accordingly, the Writ petition stands closed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

jrs/hvk

To

1.The Secretary,  
Government of Tamil Nadu,  
Land Reforms Department,  
Fort St. George, Chennai-9.

2.The District Collector,  
Perambalur.

3.The Land Acquisition Officer,  
& Special Tahsildar,  
Adi Dravidar Welfare,  
Perambalur.

+1cc to Mr.S.Mohan, Advocate, S.R.No.23080

+1cc to the Government Pleader, S.R.No.23606

WP.No. 22136 of 2005  
and

WP.MP.No.24116 of 2005

NRL (CO)

RRS (24/04/2019)

सत्यमेव जयते

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