

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :10.06.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.37415 of 2005
and
W.P.M.P.No.40100 of 2005

1. Sellamuthu
2. Appusamy

..Petitioners

vs

1. The Collector,
Salem District, Salem.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Omalar, Salem District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorari or order or direction in the nature of writ calling for the records relating to the proceedings made in Roc.130/05(A) dated 14.10.2005 on the file of the 2nd respondent and quash the same.

For Petitioners : Mr.V.Elangovan
For Respondents : Mr.M.Elumalai,
Government Advocate

O R D E R

Writ Petition is filed calling for the records relating to the proceedings made in Roc.130/05(A) dated 14.10.2005 on the file of the 2nd respondent.

2. The petitioners are the owners of the land in Survey No.110/5 in Singiripatti Village to the extent of 0.20.0 hectare. The said land is an agricultural land and the revenue authority granted patta in favour of the petitioners. While that being so, the second respondent herein issued a notice dated 14.10.2005 in Form No.1 under section 4(2) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act. Aggrieved by the said show cause notice, the present Writ Petition is filed.

3. Mr. Elangovan, learned counsel for the petitioners would submit that though the writ petitioners are land owners, a notice was issued under section 4 (2) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act calling for an objection to the proposal to acquire 0.50 acres of land from their land in S.No.110/5 and to show cause within 15 days from the date of receipt of the said notice. Thereafter an enquiry was to be conducted as per the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act and then orders to be passed.

4. The learned counsel further submits that this Court may grant liberty to the petitioners to file objections before the Special Tahsildar and thereafter Special Tahsildar to act as per the law.

5. Admittedly, when the petitioners are challenging the 4(2) show cause notice, they have liberty to appear before the Special Tahsildar without exercising that option available before the Competent Authority, filing of the Writ Petition is unsustainable in law.

6. Accordingly, I am inclined to grant liberty to the petitioners to appear before the 2nd respondent and file their objection, and thereafter the 2nd respondent to act in accordance with law. With these directions, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mrn

To

1. The Collector,
Salem District, Salem.

2. The Special Tahsildar,
Adi Dravidar Welfare, Omalur,
Salem District.

+1cc to the Government Pleader, S.R.No.47565

W.P.No.37415 of 2005

and

W.P.M.P.No.40100 of 2005

MP (CO)

CS/28/08/2019