

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2019

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.27931 of 2014

&

M.P.No.1 of 2014

1.T.Polappan
2.K.Veerammal
3.K.Lakshman

... Petitioners

Vs.

1.The Secretary to Government of Tamil Nadu,
SC/ST Welfare Office,
Secretariat, Fort St.George, Chennai.
2.The District Collector,
Dharmapuri District,
Dharmapuri.
3.The District SC/ST Welfare Officer,
Dharmapuri District,
Dharmapuri.
4.The Special Tahsildar,
SC/ST Welfare Officer, Dharmapuri.
5.The Land Acquisition Officer and
Special Tahsildar, SC/ ST,
Dharmapuri.

... Respondents

Prayer:- The Writ Petition is filed under Article 226 of the Constitution of India, seeking for issuance of Writ of Mandamus, directing the respondents to re-convey the land in S.No.639/2 of Senganur Village, Pennagaram Taluk, Dharmapuri District acquired under Na.Ka.No.130/2A0/A dated 18.01.2001 to the petitioners under Section 48(B) of Tamil Nadu Land Acquisition Act.

For Petitioners: Mr.T.Pappaiah Dharmarajan

For Respondents: Mr.M.Elumalai
Government Advocate

O R D E R

In this Writ Petition, the petitioners seeks for a direction to the respondents to re-convey the land in S.No.639/2 of Senganur Village, Pennagaram Taluk, Dharmapuri District acquired under Na.Ka.No.130/2A0/A, dated 18.01.2001 to the petitioners under Section 48(B) of Tamil Nadu Land Acquisition Act.

2. The case of the petitioners is that the land in Survey No.639/2 of Senganur Village, Pennagaram Taluk, Dharmapuri District was acquired by the Government for the purpose of providing free land for housing Adi Dravia People in and around Pennagaram Taluk, Dharmapuri District. However, the allottees had not taken possession of the plots allotted to them under the Scheme. According to the petitioner, as per Section 48(B) of the Tamil Nadu Land Acquisition Act, where the Government has satisfied that the land vested in the Government under this Act is not required for the purpose for which it was acquired or for any other public purpose, the Government may transfer such land to the original owner, who is willing to repay the amount paid to him under the Act. Since in the present case, the allottees had not taken possession of the plots allotted to them under the Scheme, the petitioners seek for a direction to the respondents to re-convey the subject land to the petitioners under Section 48(B) of Tamil Nadu Land Acquisition Act.

3. The respondents have filed a counter affidavit and it is stated that since the second petitioner has refused to receive the compensation, the fourth respondent had deposited the compensation amount of Rs.85,907/- before the Sub Court, Dharmapuri, by way of a Demand Draft No.595448, dated 29.03.2001. It is further stated that an extent of 0.70.5 hectares in S.No.639, Senganur Village have been acquired and possession was taken and hence, the purpose for which, the lands have been acquired under the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, has been accomplished. It is further stated that the allottees are engaged in the coolie work at remote places for their livelihood and the present land is needed for the allottees, since there is no suitable poromboke lands in the Village. It is further stated that the second petitioner's husband Sri Kaliyapan has already filed a Writ Petition in W.P.No.29616 of 2013 for an identical relief and this Court, by an order dated 25.11.2013, dismissed the said Writ Petition.

4. It is seen from the counter affidavit that since the

second petitioner was refused to receive the compensation amount, the fourth respondent had deposited the compensation before the Sub Court and possession of the land had already been taken and subsequently pattas have been granted to 28 beneficiaries and mutation had taken place. Therefore, it is clear that purpose of which the lands have been acquired under the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, has been accomplished. Further, the second petitioner's husband Sri Kaliyappan has already filed a Writ Petition in W.P.No.2916 of 2013, for identical relief and this Court dismissed the said Writ Petition on 25.11.2013.

5. In that view of the above facts, this Court does not find any merit in the Writ Petition for directing the respondents to re-convey the land in S.No.639/2 of Senganur Village, Pennagaram Taluk, Dharmapuri District acquired under Na.Ka.No.130/2A0/A dated 18.01.2001 to the petitioners under Section 48(B) of Tamil Nadu Land Acquisition Act. Accordingly, the Writ Petition fails and the same is dismissed. There is no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Ad-IV)

//True Copy//

Sub Assistant Registrar

r n s
TO

- 1.The Secretary to Government of Tamil Nadu,
SC/ST Welfare Office,
Secretariat,
Fort St.George, Chennai.
- 2.The District Collector,
Dharmapuri District,
Dharmapuri.
- 3.The District SC/ST Welfare Officer,
Dharmapuri District,
Dharmapuri.
- 4.The Special Tahsildar,
SC/ST Welfare Officer,
Dharmapuri.

5.The Land Acquisition Officer and
Special Tahsildar, SC/ ST,
Dharmapuri.

+1cc to Mr.T.Pappaiah Dharmarajan, Advocate, S.R.No. 38716

+1cc to the Government Pleader, S.R.No. 38815

W.P.No.27931 of 2014 &
M.P.No.1 of 2014

MP (CO)
GN (29/05/2019)



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