

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **11.02.2019**

CORAM

THE HONOURABLE MR.JUSTICE **K.K.SASIDHARAN**
AND
THE HON'BLE MR.JUSTICE **R.SUBRAMANIAN**

Review Application No.271 of 2018

1. S.Ramakrishnan
2. S.Usha Rani
3. Senthamarai

Review Applicants

-VS-

1. The Government of Tamil Nadu,
rep by its Commissioner & Secretary,
Department of Adi-Dravidar & Tribal Welfare,
Secretariat, Chepauk, Chennai-9.
2. The District Collector,
Vellore District.
3. The Special Tahsildhar,
Adi Dravidar Welfare,
Taluk Office of Thirupattur,
Vellore District.

Respondents

Review Application filed to review the order passed in W.A.No.
1148 of 2014 dated 16.04.2018.

For petitioner : Mr.P.Vijendran
For Respondents : Mrs.A.Srijeyanthi
Special Government Pleader

ORDER

(Order of this Court was made by R.SUBRAMANIAN, J)

This Review petition has been filed by the appellants in W.A.No. 1148 of 2014 dated 16.04.2018.

2. While quashing the earlier proceedings for acquisition under the Land Acquisition Act 1 of 1894, a Division of this Court had held that it will be open to the Government to acquire the very same lands by invoking the provisions of Act 31 of 1978. Subsequently, when the proposal for acquisition of the same lands was forwarded, the District Collector had recommended that suitable land of a lesser value may be chosen for acquisition under Act 31 of 1978. It is this proceedings that was challenged by the review petitioners in the Writ Petition. The Writ Petition was dismissed by the learned single Judge. As against the said order, the petitioner has come forward with the writ appeal in W.A.No.1148 of 2014, which was dismissed by Judgment, dated 16.04.2018 concluding that there was no positive direction issued by the Division Bench to acquire the very same land. The review petitioners seek review of the said Judgment. In the proceedings dated 26.01.2003, the District Collector on consideration of the opinion of the Government Pleader came to the conclusion that

acquisition of the very same land will result in huge financial loss. Hence, the acquisition of the very same lands is not possible.

3. We have considered the contention of the learned counsel for the review petitioner even while disposing of the writ appeal and concluded that a mere recommendation cannot create a vested right in favour of the petitioners to insist on acquisition of the very same land. We therefore do not think that there is any scope for entertaining the review.

4. Hence, this Review application fails and stands dismissed. No costs.

(K.K.SASIDHARAN,J.) (R.SUBRAMANIAN, J.)
11.02.2019

Index :Yes/No
Internet:Yes/No
arr
To

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K.K.SASIDHARAN,J
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R.SUBRAMANIAN,J
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