

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2020

C O R A M

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P.No.13791 of 2017

K.Ananthanarayanan

... Petitioner

Vs.

1.The District Collector,
Cuddalore District.

2.The Revenue Divisional officer,
Vridhachalam, Cuddalore District.

3.The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Vridhachalam, Cuddalore District.

4.The Tahsildar,
Vridhachalam, Cuddalore District.

5.The Block Development Officer,
Paravalur Panchayat,
Vridhachalam.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to handover the acquired lands in R.S.Nos.48/4C, 48/2B, 55/2B, 56/3B2A to an extent of 20.5 ares in Paravallur Village, Vridhachalam Taluk, Cuddalore District to the Paravallur Village Panchayat for laying road and directing the 5th respondent to lay road for the dead bodies to be buried in the Irular burial ground in accordance with law within a time that may be fixed by this Court.

For Petitioner : Mr.P.Dinesh Kumar

For Respondents : Mr.R.S.Selvam,
Government Advocate

ORDER

This writ petition has been filed for a mandamus directing the respondents to hand over the acquired land in R.S.Nos.48/4C,

48/2B, 55/2B, 56/3B2A to an extent of 20.5 ares in Paravallur Village, Vridhachalam Taluk, Cuddalore District to the Paravallur Village Panchayat for laying road and consequential direction to the fifth respondent to lay the road to enable the dead bodies to be buried in the Irular burial ground.

2. Heard Mr.P.Dinesh Kumar, learned Counsel for the petitioner and Mr.R.S.Selvam, learned Government Advocate for the respondents.

3. The learned counsel for the petitioner drew the attention of this Court to paragraphs 5, 6 and 7 of the counter affidavit filed by the third respondent which reads as follows:

"5.It is submitted that Tvl.Saravanan, Selvam who are the owners of the acquired land in Survey No.55/2B and 55/3F had accepted and received the compensation amount. But, however, Tvl.Thangasubramanian, Thangavel Padayachi and Jayarama Chettiar who are the owners of the acquired land in Survey No.56/7, 56/3B2, 56/10, 56/11, 48/4C2 and 48/6D refused to receive the compensation amount and hence the award amount was kept in Revenue Deposit on 19.04.2001.

6. It is submitted that after acquiring the above said lands, necessary entries have been executed in the Village records as "Irular Mayana Pathai". Further, it is submitted that the petitioner's land in Survey No.101 is situated One Kilometer away from the acquired lands. Hence, Petitioner's land will not be disturbed in any way in setting up the Irular Community Burial Ground pathway.

7. It is submitted that the acquired lands were handed over to the 5th respondent who is now taking appropriate steps to lay the road in the acquired lands. It is submitted that after acquiring the above said lands, appropriate changes have been made in the village accounts and now steps are being taken to lay the road in the acquired lands. Hence, the contentions of the petitioner have no merits and deserves no consideration and liable to be rejected."

4. According to the learned counsel for the petitioner, since the third respondent has already handed over the acquired land to the fifth respondent for the purpose of laying the road, the prayer sought for in this writ petition has been achieved. It is also made clear in the counter affidavit filed by the third respondent in paragraph 6 that the petitioner's land will

not be disturbed in any way for laying Irular Community Burial Ground pathway.

5. Recording the aforementioned paragraphs of the counter affidavit filed by the petitioner and in view of the fact that the relief sought by the petitioner has been achieved, nothing survives for further adjudication in this matter. However, the respondents are directed to lay the road as expeditiously as possible. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

- 1.The District Collector,
Cuddalore District.
- 2.The Revenue Divisional officer,
Vridhachalam, Cuddalore District.
- 3.The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Vridhachalam, Cuddalore District.
- 4.The Tahsildar,
Vridhachalam, Cuddalore District.
- 5.The Block Development Officer,
Paravalur Panchayat,
Vridhachalam.

+1cc to M/s.P.Dinesh Kumar, Advocate Sr.7057

+1cc to the Government Pleader Sr.7711

W.P.No.13791 of 2017

cp[co]
srg 28/02/2020