

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN
and
THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.35766 of 2019

V.Ramakrishnan ... Petitioner
Vs

1.State of Tamil Nadu
Rep. by its Secretary,
Aadhidravid Welfare Department,
Fort St.George,
Chennai.

2.The Collector,
Dharmapuri District.

3.The Special Tahsildar,
Aadhidravid Welfare Department,
Harur Taluk,
Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to commence Land acquisition proceedings in conformity with the provisions of the Tamil Nadu Acquisition of Land For Harijan Welfare Schemes Act, 1978 and allot housing plots for homeless and poor Adidraavidars residing at Veerappanayakkanpatti Village, Theerthamalai, Harur Taluk, Dharmapuri District in respect of the property situated survey No.28/7, measuring 4.62 Acres, Veerappanayakkanpatti Village, Theerthamalai, Harur Taluk, Dharmapuri district.

For Petitioner : Mr.A.Prabhakaran

For Respondents : Mr.Akhil Akbar Ali, Government
Advocate for R1 to R3.

O R D E R

(Order of the Court was delivered by M.SATHYANARAYANAN, J)

The petitioner is the resident of Veerappanayakkanpatti Village, Theerthamalai, Harur Taluk, Dharmapuri District and in the affidavit filed in support of this petition, among other things, he would aver that he belongs to Scheduled Caste community and in the said village, more than 250 Adidravidar families are residing. The petitioner would further aver that the local residents made representations to the respondents for assignment of lands under various Adidravidar Welfare Schemes, and after conducting due enquiry, a recommendation was made to acquire the land ad-measuring of 4.62 Acres in S.No.28/7 of the said village.

2. The petitioner would further aver that pursuant to the said recommendation, notice under Section 4 (1) of the Land Acquisition Act, 1894 was issued on 14.10.1987 and thereafter Section 6 declaration was also made by issuing G.O.M.S.NO.89 dated 06.09.1988 of Tamil Nadu Adidravida Welfare Board. Subsequently, an award also came to be passed regarding the acquisition of the said land. It is further stated by the petitioner that the land owners filed W.P.No.12411 of 1988 and this Court, vide order, dated 21.08.2000 has allowed the said Writ Petition and quashed the proceedings.

3.It is also brought to the knowledge of the Court by the petitioner that for providing house plots to the people belong to Adidravidar community in Pappirettipatti Taluk, the respondents have acquired the lands, but however, in respect of the Veerappanayakkanpatti Village, Theerthamalai, Harur Taluk, Dharmapuri District, no effort whatsoever has been taken.

4. The petitioner would further state that he also approached the respondents for assignment of land. The Sub-Collector / Harur Revenue Divisional Officer had issued proceedings in Na.Ka.No.3256/2019/A3 under Section 145 of Cr.P.C., restraining the local residents or any other persons from entering upon the said land.

5.According to the petitioner, the above said land was still lying vacant inspite of the order passed in W.P.No.12411 of 1988 and in this regard, he has also submitted a representation dated 14.06.2010 for provision of house sites in the land in S.Nos.28/7 and 186/5 of one Mrs.Shantha and Mrs.Banumathi and despite receipt and acknowledgment, nothing is moving forward and therefore, the petitioner is constrained to file this Writ Petition.

6.The learned Counsel appearing for the petitioner would submit that though the ownership of the land in S.No.28/7 stands registered in favour of the owners, in the light of the order dated 21.08.2000 in W.P.No.12411 of 1988, this Court may issue appropriate direction, directing the official respondents to explore the possibility of laying / acquiring any other land in the nearby area for provision of house sites to the people belong to Adidravidar community in Veerappanayakkanpatti Village, Theerthamalai, Harur Taluk, Dharmapuri District.

7.Mr.Akhil Akbar Ali, learned Government Advocate takes notice on behalf of the respondents 1 to 3. By inviting the attention of this Court to the proceedings of the Sub-Collector / Harur Revenue Divisional Officer dated 26.11.2019 in Na.Ka.No.3256/2019/A3, he would submit that on account of the quashment of the land acquisition proceedings in W.P.No.12411 of 1988, the owners of the land viz., Mrs.Shantha and Mrs.Banumathi, made an application for restoration of the names in the revenue records pertaining to the said land. Some people belonging to Adidravidar community trespassed upon the lands and put up the plots and flags of Vidudhalai Ciruthaigal Katchi (VCK) and Desia Murpokku Dhiravida Katchi (DMDK) and apprehending law and order problem, appropriate orders, under Section 145 of Cr.P.C., came to be passed.

8.This Court paid its best attention to the rival submissions and also perused the material records.

9.The fact remains that the land acquisition proceedings initiated for acquiring the land in S.No.28/7 to an extent of 4.62 Acres came to be quashed, vide order, dated 21.08.2000 in W.P.No.12411 of 1988. No further appeal has been filed challenging the said order and therefore, it has become final. Hence the ownership vests with the original owners, viz., Mrs.Shantha and Mrs.Banumathi and from the proceedings of the Sub-Collector / Revenue Divisional Officer, dated 26.11.2019, it is evident that applications were submitted for mutation of revenue records in their favour.

10. A perusal of the above stated order, would further reveal that some persons belonging to Scheduled Caste had encroached and trespassed upon the said land on 23/11/2019 and put up flags of VCK and DMDK parties.

11.Once the ownership of the land restored in favour of the original owners, in our opinion, the petitioner has no locus standi to initiate proceedings afresh in respect of the land above cited and that apart, the owners of the said land have

also not been arrayed as parties. The conduct of the trespassers, as enumerated in the above cited order dated 26.11.2019 cannot be appreciated for the reason that they have no right to trespass upon the patta land belonging to the original owners and it also appears to be deplorable.

12. In the considered opinion of this Court and in the light of the reasons assigned, instant Writ Petition lacks merits and deserves dismissal. Accordingly, Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
State of Tamil Nadu
Aadhidraida Welfare Department,
Fort St. George,
Chennai.
2. The Collector,
Dharmapuri District.
3. The Special Tahsildar,
Aadhidraida Welfare Department,
Harur Taluk,
Dharmapuri District.

+1cc to Mr.A.Prabhakaran, Advocate Sr.679
+1cc to the Government Pleader Sr.955

W.P.No.35766 of 2019

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srg 13/02/2020

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