



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **09.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S.VAIDYANATHAN**

W.P(MD)No.14105 of 2020

R.Varatharajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary,
Adi Dravidar & Tribal Welfare Department,
Fort St.George,
Chennai.

2.The Director,
Adi Dravidar & Tribal Welfare Department,
Chepauk,
Chennai.

3.The District Collector,
Ramanathapuram District,
Ramanathapuram.

4.The Special Tahsildar (Adi Dravidar Welfare),
Office of the District Adi Dravidar Welfare,
District Collectorate Complex,
Ramanathapuram.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to return/reconvey the lands acquired from the petitioner in Survey No.933/1B, Rameshwaram-Ponnagar Village, Rameshwaram Taluk, Ramanathapuram District by considering the petitioner's representation dated 07.12.2019.

For Petitioner : Mr.M.Mahaboob Athif
for M/s.Ajmal Associates
For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a direction to the the respondents to return/reconvey the lands acquired from the petitioner in Survey Nos.933/1B, Rameshwaram-Ponnagar Village, Rameshwaram Taluk, Ramanathapuram District by considering the petitioner's representation dated 07.12.2019.



2. Mr.K.P.Krishnadoss, learned Special Government Pleader takes notice for the respondents. By consent, the writ petition is taken up for disposal at the admission stage itself.

3. The case of the petitioner is that the petitioner owns a land to an extent of 2.25.5 hectares in Survey No.933/1, presently subdivided as Survey No.933/1B in Rameshwaram Group and Taluk, Ponnagar Village of Ramanathapuram District and he is in complete possession and enjoyment of the said property till date. The said land was acquired under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) by issuance of notification by the third respondent under Section 4 of the said Act, which was published in the Ramanathapuram District Gazette on 08.01.2000, indicating that the Government has formed an opinion that the petitioner's lands are required for the purposes of the said Act and the same is acquired. Consequently, the fourth respondent had determined the compensation and had not tendered the same to the petitioner but has deposited in the Revenue Deposit in the Treasury, Ramanathapuram. The petitioner was neither aware of the acquisition notification or deposit and the fact remains that the possession is with him and the compensation has also not been tendered to him or deposited in the Court. When the petitioner attempted to cultivate and to develop his land in the year 2019, the fourth respondent was objected the same, thereafter, the petitioner came to know that the said lands have been acquired under the said Act. Therefore, the very acquisition is bad in the eye of law. Hence, the petitioner sent a representation to the respondents on 07.12.2019. But the said representation was not considered so far. In such circumstances, the petitioner has come forward with the present Writ Petition.

4. Learned counsel for the petitioner would submit that it would suffice, if the representation of the petitioner dated 07.12.2019 is disposed of by the respondents at the earliest.

5. Learned Special Government Pleader appearing for the respondents would submit that the respondents have no objection to consider the representation of the petitioner and to pass suitable orders on the same.

6. In view of the limited scope of the prayer sought for by the petitioner, this Court, without expressing any opinion on the merits of the matter, directs the respondents, especially the fourth respondent to consider the representation, dated 07.12.2019, submitted by the petitioner and to pass appropriate orders in accordance with law within a period of four months from the date of receipt of a copy of this order, if there is no legal impediment to do so.



5. With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

PJL

To

- 1.The Secretary,
State of Tamil Nadu,
Adi Dravidar & Tribal Welfare Department,
Fort St.George,
Chennai.
- 2.The Director,
Adi Dravidar & Tribal Welfare Department,
Chepauk,
Chennai.
- 3.The District Collector,
Ramanathapuram District,
Ramanathapuram.
- 4.The Special Tahsildar (Adi Dravidar Welfare),
Office of the District Adi Dravidar Welfare,
District Collectorate Complex,
Ramanathapuram.

+1 CC to SPL GP (SR-19779[F] dated 12/10/2020)

W.P (MD) No.14105 of 2020
09.10.2020

VB (10.11.2020) 3P 6C