



IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 27.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

and

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A. No.1332 of 2013
and M.P. No.1 of 2013

1.The Collector of Dharmapuri,
Dharmapuri District,
Dharmapuri.

2.The Special Tahsildar,
Adi Dravidar Welfare,
Krishnagiri.

... Appellants

versus

1.Muniammal (deceased)

2.Narayanappa

3.Rathinamma

4.Sunandhamma

5.Nagamma

6.Manjamma

7.N.Murali

... Respondents

(respondents 2 to 7 substituted as LRs of deceased
sole respondent vide order of the Court dated
03.09.2014 made in M.P. No.1 of 2014)

Prayer: Appeal filed under Clause 15 of the Letters Patent
against the order of His Lordship Mr.Justice K.Govindarajan
dated 10.10.2001 and made in W.P. No.5239 of 1997 on the file of
the High Court of Judicature at Madras.

WP.No. 5239 of 1997 : This Writ Petition is filed under Article
226 of the Constitution of India, praying to issue a Writ of
certiorari, Calling for the records of the Second respondent,
namely Special Tahsildar, Adi Dravidar Welfare Krishnagiri in
his proceedings in NA.KA.No. 509/1996 and quahs the order made
therein dated 21.02.1997 in respect of the Petitioner's land in



S.No. 87/2 an extent of 0.48.0 Hectares in Mughalpalli Village, Hosur Taluk, Dharmapuri District.

For Appellants : Mr.K.Magesh,
Special Government Pleader

For Respondents: No appearance for R2 to 7
R1-died

JUDGMENT

(Judgment of this Court was delivered by T.RAJA,J.)

Challenging the order dated 10.10.2001 passed by the learned Single Judge in W.P. No.5239 of 1997, the appellants have come to this Court.

2.It is the claim of the deceased Muniammal that she was the absolute owner of the land bearing S.No.87/2, having an extent of 1.19 acres (0.48.0 hectares) in Mugalapalli Village, Hosur Taluk, Dharmapuri District by virtue of the registered Sale Deed dated 25.12.1979. A notice was served on her on 28.09.1996 calling upon her to show cause in writing as to why the land mentioned in the schedule should not be acquired. In the said notice, she was directed to appear for enquiry on 19.11.1996 at 11.00 a.m. in the office of the Revenue Inspector Quarters, Bagalur. When she went to the office of the Revenue Inspector at 11.00 a.m., no enquiry was conducted. Again she received another notice dated 21.02.1997 from the second appellant stating that her lands to the extent of 0.48.0 Hectares in S.No.87/2 in Mugalapalli Village are being acquired under the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act 1978. Challenging the above notice, she has filed the above writ petition without any alternative remedy stating that she was an agriculturist, depending solely on agriculture for the livelihood of herself and her family and that provisions of Sections 4(2) and 3 of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act had not been followed and that the provisions under Section 4(3)(b) were given a go-bye.

3.Counter affidavit was filed by the Special Tahsildar, Adi Dravida Welfare, taking a stand that after issuing notice dated 26.10.1996 fixing the enquiry on 19.11.1996, due to administrative reasons, the enquiry was postponed to 05.12.1996 and that the land owner has appeared for enquiry on 05.12.1996 and objected the acquisition on two grounds namely, that the land in S.No.87/2 is situated far away from the habitation and that they are in favour of S.No.84/1 and not in favour of acquisition of S.No.87/2 and that the compensation should be paid at the rate of Rs.5,00,000/- per acre, otherwise, the lands



should not be acquired. The above objections were discussed in detail and the same were recommended to be rejected in accordance with the provisions under Section 4(3)(b) of the Tamil Nadu Harijan Welfare Schemes Act 31/78. After perusing the report, the Collector ordered publication of draft 4(1) Notification in the District Gazette dated 06.01.1997. Therefore, the valuation statement was submitted to the District Revenue Officer in the office Roc.509/96 dated 14.02.1997 for approval and thereafter, the Award enquiry was fixed on 11.03.1997. Though the notice was served on the land owner, she did not appear for award enquiry. Therefore, the valuation statement was approved by the District Revenue Officer, Dharmapuri on 13.03.1997 and that the draft award was prepared and submitted for approval of the District Revenue Officer vide office Roc.509/96 dated 17.03.1997 and the same was also approved in the District Revenue Officer's Roc.65613/96/L1 dated 24.03.1997. As per the award, Rs.34,086/- was fixed as compensation and the same was ordered to be deposited in the Sub Court, Hosur. Thereafter, necessary changes have been carried out in the Taluk accounts and a reference was also sent to the Sub Court, Hosur. Only at this stage, the land owner moved this Court and obtained interim stay of dispossession.

4. With these pleadings made by both the parties, when the matter was taken up by the learned Single Judge, accepting the submission made by the learned counsel appearing for the writ petitioner that as there was no such enquiry, the writ petitioner did not appear for the same and considering the fact that the Government Pleader has not produced necessary records to establish that the enquiry was conducted on 05.12.1996 and that the writ petitioner appeared for such enquiry and the admission made by the learned Government Pleader that there is no document to show that enquiry was conducted on 05.12.1996 except the statement of the proceedings of the second respondent and he was not able to produce the statement given by the writ petitioner in the enquiry, the learned Single Judge has come to the conclusion that the respondents were not able to establish that the enquiry was conducted on 05.12.1996 and that the writ petitioner appeared and raised objections in the said enquiry, hence, the writ petition in the absence of any document to show that enquiry conducted pursuant to Form 1 notice, had to be allowed and as such quashed the acquisition proceedings.

5. Since the Government Pleader appeared before the learned Single Judge admitted that there was no document to show that the enquiry was held on 05.12.1996 except the statement of the Proceedings of the second respondent and he was not able to produce the statement given by the writ petitioner in the enquiry, the learned Single Judge has rightly come to the conclusion that there was no enquiry held on 05.12.1996.



Moreover, though notice was issued to the writ petitioner asking her to come for enquiry on 19.11.1996, there was no enquiry on that day and it was postponed to 05.12.1996. More particularly, when there was a clear admission made by the learned Government Pleader that there was no enquiry and no records were produced to establish that the enquiry was held, we are also unable to interfere with the impugned order dated 10.10.2001 passed by the learned Single Judge. Accordingly, the writ appeal stands dismissed. Consequently, M.P. No.1 of 2013 stands closed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Vga

TO

1.The Collector of Dharmapuri,
Dharmapuri District,
Dharmapuri.

2.The Sepcial Tahsildra,
Adi Dravidar Welfare,
Krishnagiri.

+1cc to the Government Pleader, S.R.No. 25968

W.A. No.1332 of 2013 and M.P. No.1 of 2013

BR(CO)
GN(15/07/2021)