

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 14680 of 2010
and W.M.P. No.18947 of 2019

Theresa

.. Petitioner

Vs

The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records in his proceedings Na.Ka.No.51253/2006/J1 dated 10.02.2010 issued by the respondent and quash the same and directing him to issue patta in petitioner's name in Revenue records with respect to dry lands situated in S.No.201/2-A and S.No.201/2B to an extent of 0.39.0 and 0.33.0 Hectares in Molachalur Village, Sukuvarchattiram Post, Sriperumbudur Taluk, Kancheepuram District.

For Petitioners : Mr. S.Balasubramanian
For Respondents : Mr. Akhil Akbar Ali
Government Advocate

O R D E R

This petition is filed for issuing a writ of certiorarified mandamus to quash the proceedings of the respondent dated 10.02.2010 and to direct the respondent to restore patta in revenue records in the name of petitioner in respect of the lands in Molachalur Village, Sriperumbudur Taluk, Kancheepuram District.

2. Heard the learned counsel appearing for the petitioner and the respondent.

3. Brief facts that are necessary for the disposal of this writ petition are as follows:

An extent of 0.39.0 Hectare in Survey No.201/2A and an another extent of 0.33.0 Hectare in Survey No.201/2B in

Molachalur Village, Sriperumbudur Taluk, Kancheepuram District was sought to be acquired by the respondent for purpose of providing house sites to Adi Dravidars. It is admitted before this Court that the petitioner is the wife of the original owner of the property and that she filed a writ petition earlier in W.P. No.21694 of 2003 challenging the acquisition and was successful in getting the relief. After the disposal of the said writ petition, the petitioner appears to have approached the respondent for mutation of names as per the holdings. In other words, the request was for restoration of revenue records as it was before acquisition. It appears that the said request of the petitioner was rejected on the ground that fresh acquisition proceedings had been initiated under State Act and that therefore the petitioner's request cannot be considered. The District Revenue Officer while rejecting the petitioner's petition has stated that the lands were acquired for the purpose of providing house sites for Adi Dravidars and that compensation had already been transferred to Treasury account. It is also stated that the writ petition filed by petitioner challenging the acquisition proceeding under the State Act in W.P. No.4005 of 1996 was dismissed and that an appeal filed by petitioner in W.A. No.389 of 2003 was also dismissed on 15.09.2006.

4. Learned counsel for the petitioner states that no fresh acquisition proceeding was initiated and no notice was issued to the petitioner either before or after filing this writ petition. From the order impugned in the writ petition, it is seen that the respondents had initiated fresh acquisition proceedings and the writ petition and writ appeal filed by petitioner challenging acquisition of petitioner's land under State Act were dismissed.

5. The acquisition proceeding was initiated under the Central Act earlier and the proceeding was challenged before this Court in a writ petition in W.P. No.2506 of 1995. Since the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act was upheld by the Hon'ble Supreme Court in the case of The State of Tamil Nadu & others Vs. Ananthi Ammal and other, reported in [(1995) 1 SCC 519] this Court disposed of several writ petitions quashing the acquisition proceedings initiated under Central Act for the purpose of implementing Harijan Welfare Scheme on the ground that the lands can be acquired only under the State Act namely Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act (Act 30 of 1978).

6. The writ petition filed by the petitioner's husband was also allowed on the ground that the acquisition for Harijan Welfare Scheme cannot be made by invoking Land Acquisition Act (Central). Thereafter, another writ petition was filed by the petitioner as the respondent refuse to change the patta in

favour of the petitioner. This Court directed the first respondent in W.P. No.8996 of 2003 to dispose of the representation of the petitioner dated 10.03.2003 one way or other within a period of six weeks from the date of receipt of a copy of that order. The representation of the petitioner was considered by the District Collector by his proceedings dated 05.07.2003 and rejected on the ground that the acquisition proceeding initiated through Adi Dravidar Department has become final by passing the award on 22.03.1996 and that the petitioner can approach the Land Acquisition Officer for getting proper compensation for the acquired lands. The appeal filed by the petitioner as against the order of this Court upholding the acquisition proceeding was also dismissed by this Court on 15.09.2006.

7. The writ petition is filed suppressing material facts. The petitioner did not refer to the dismissal of writ petition filed by petitioner challenging acquisition under State Act. The petitioner has come forward with this vexatious writ petition with ulterior motive suppressing material facts and orders of this Court. Hence, the writ petition is dismissed with costs of Rs.10,000/- (Rupees Ten Thousand Only) payable to the Tamil Nadu State Legal Services Authority, within a period of two weeks from the date of receipt of a copy of this order. Connected miscellaneous petition is closed.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

bkn
To

The District Revenue Officer,
Kancheepuram District,
Kancheepuram.

Copy to
The Secretary/Chairman
Tamil Nadu State Legal Services Authority
Chennai

+1 CC to Mr.S. Balasubramanian, Advocate sr 14789
+1 CC to The Government Pleader sr 15178.

W.P. No. 14680 of 2010

GPL (CO)
SP(12/07/2021)