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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

WP.NO.20726 OF 2018

AND

WMP.NOS.24352 & 24353 OF 2018

N. Kasthuri

...Petitioner

Vs.

1. The District Adi Dravida &
Tribal welfare Officer,
Vellore - 9.
2. The Zonal Deputy Tahsildar,
Katpadi Taluk, Katpadi,
Vellore District.
3. The Special Tahsildar,
Adi Dravidar Welfare, Gudiyatham,
Vellore District.
4. The Sub Inspector of Police,
Ponnai Police Station, Ponnai,
Vellore District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No. Nil, dated 25.01.2018 and quash the same.

For Petitioner : Mr.C.Prakasam.

For Respondents : Mr.M.R.Gokul Krishnan,
Government Advocate

ORDER

The writ petition is filed to issue a Writ of Certiorari, calling for the entire records relating to the impugned order passed by the 1st respondent in his proceedings No. Nil, dated 25.01.2018 and quash the same.



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2. The case of the petitioner is that he purchased the property comprised in survey No.361/3E situated at Ponnai Village, Katpadi Taluk, Vellore District to an extent of 41 cents from one, Nallappa Naidu by registered sale deed dated 01.12.2010 vide document No.5975 of 2010. The subject land was already acquired by the third respondent for issuance of free house site patta to adidraavidars. The said land acquisition proceedings were challenged by the adjacent land owners before this Court in WP.Nos.19048 & 19049 of 1996 and the same were allowed and the entire acquisition proceedings were quashed. Thereafter, the beneficiaries who were already issued patta from the subject property, requested the authority to allot some other land. Accordingly, they were allotted some other land and issued free house site pattas. However, the petitioner's husband's vendor received compensation of Rs.38,132/- as early as on 29.03.1996 itself. However, the petitioner's husband purchased the property since acquisition proceedings were already quashed by this Court. The persons who were issued patta from the subject property agitated and not allowed the petitioner's husband to enter into the subject property and also not allowed to put up any construction. Therefore, due to the said dispute, there was peace committee meeting conducted by the first respondent, in which all the villagers and revenue officials participated. In the peace committee meeting, on the records produced by the revenue officials revealed that the petitioner's husband's vendor one, Nallappa Naidu received compensation of sum of Rs.38,132/- on 29.03.1996 and after quashment of the acquisition proceedings, he failed to return the money which was received as compensation. Therefore, in the peace committee meeting, the first respondent resolved with the villagers and other revenue officials that till repayment of the award amount, no one is permitted to enter into the subject property. If violated, action will be taken by the jurisdictional police. It is under challenge in the present writ petition.

3. The learned counsel for the petitioner submitted that the petitioner is ready and willing to pay the compensation amount which was received by her husband's vendor.

4. It is also seen that the original owner, the said Nallappa Naidu had executed power of attorney in respect of the subject property in favour of the petitioner's husband and on the strength of the power of attorney, the husband of the petitioner herein executed sale deed in favour of the petitioner herein. Therefore, the Government insisted the land owner to pay the award amount which was received by the said Nallappa Naidu with interest. Therefore, this Court finds no infirmity or illegality in the order passed by the first respondent in the peace committee meeting. As such, the writ petition is devoid of merits.



5. Accordingly, this writ petition is dismissed. However, the petitioner is at liberty to pay the award amount of Rs.38,132/- with interest as claimed by the first respondent. It is also to be noted that the petitioner is at liberty to recover the same from her husband's vendor in the manner known to law. Consequently, connected miscellaneous petitions are closed. No order as to costs.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

lok/drm

To

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4. The Sub Inspector of Police,
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+1cc to Mr.C.Prakasam, Advocate, S.R.No.45762

+1cc to the Government Pleader, S.R.No.45874

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GPL(CO)
RLP(06/10/2021)