

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2021

CORAM

THE HONOURABLE Mr. JUSTICE S.S.SUNDAR

W.P. No. 31249 of 2012

K.Ramalingam

... Petitioner

Vs

The Government of Tamil Nadu
Rep.by The Secretary to Government of the Adi-
Dravida and Tribal Welfare Department,
Fort St. George, Madras - 9.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus to direct the respondents to re-convey the property situated in Survey No.71/1B, 71/2 and 71/4 of Kumarakudi Village, Kattumannar Koil Taluk, Cuddalore District under Section 48-B of the Land Acquisition Act 1894.

For Petitioner : Mr. V.Raghavachari

For Respondents : Mr. M.Elumalai
Additional Government Pleader

O R D E R

The petition has been filed for the issuance of Writ of Mandamus to direct the respondents to re-convey the property situated in Survey No.71/1B, 71/2 and 71/4 of Kumarakudi Village, Kattumannar Koil Taluk, Cuddalore District under Section 48-B of the Land Acquisition Act 1894.

2. The petitioner states that by a notification issued under Section 4(1) of the Land Acquisition Act vide G.O. Ms. No.1099 dated 28.11.1991, the petitioner's land comprised in Survey Nos.71/1B, 71/2 and 71/4 of Kumarakudi Village, Kattumannar Koil Taluk, Cuddalore District, was acquired for the purpose of providing house sites to Adi-Dravidars. Stating that the land which was acquired from the petitioner was not utilised for the purpose for which it was acquired, the petitioner submitted a representation before the Government for re-conveyance of land under Section 48-B of the Land Acquisition Act (Central). Since

the petitioner's representation dated 26.12.2011 is not considered by the respondent, the present Writ Petition is filed.

3. It is not in dispute that the land was acquired under Harijan Welfare Scheme for providing house sites for Adi Dravidars. The Government has filed a counter affidavit indicating that the property which was acquired for the petitioner was utilised and that the respondents have issued free house site patta to Adi Dravidars. The petitioner has no positive case or material produced before this Court to discredit the statements of the respondents before this Court.

4. Recording the statement of Government that the lands were utilised for the purpose for which it was acquired, this Court is of the view that there is no scope for the respondent to entertain the petition under Section 48-B of the Land Acquisition Act for re-conveyance of the land. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

bkn
To

The Secretary to Government of the Adi-
Dravida and Tribal Welfare Department,
Fort St. George, Madras - 9.

+1 cc to The Government Pleader Sr.No. 6649

PCH (CO)
RMP (01/04/2021)

सत्यमेव जयते

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