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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.08.2021

CORAM :

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.31262 of 2015

1. S.Sheela
2. S.Mangalakshmi
3. S.Vimala
4. S.Sumathi
5. T.Aruna
6. K.Kanniga Parameshwari
7. K.Kajalakshmi
8. K.Sivakumar
9. K.Subashini
- 10.K.Manohari

... Petitioners

-Vs-

- 1.The District Collector,
Villupuram District,
Villupuram.
- 2.The Special Tahsildar,
Adi Dravidar Welfare Officer,
Kallakurichi,
Villupuram District.
- 3.The Tahsildar
Sangarapuram,
Villupuram District.

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order dated 18.06.2015 in Na.Ka.No.A5/11456/2015 of the third respondent herein and quash the same and direct the third respondent herein to forthwith transfer patta and the revenue records in respect of the aforesaid lands measuring an extent of 0.52.5 Hectares comprised in R.S.No.255/7, 0-45-5 Hectares in R.S.No.255/8 and 0-03-0 Hectares in R.S.No.255/17 in Kattuivananjur Village, Sangarapuram Taluk, Villupuram District in the names of the petitioners.



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For Petitioners : Mr.ARL.Sundaresan
Senior Counsel
for A.L.Gandhimathi

For Respondents : Mr.Richardson Wilson
Government Advocate.

ORDER

The Writ Petition has been filed challenging the order dated 18.06.2015 in Na.Ka.No.A5/11456/2015 passed by the third respondent herein and to direct the third respondent herein to forthwith transfer patta and the revenue records in respect of the aforesaid lands measuring an extent of 0.52.5 Hectares comprised in R.S.No.255/7, 0-45-5 Hectares in R.S.No.255/8 and 0-03-0 Hectares in R.S.No.255/17 in Kattuvananjur Village, Sangarapuram Taluk, Villupuram District in the names of the petitioners.

2. The petitioners owned lands to an extent of 0.52.5 Hectares in R.S.No.255/7, and 0.45.5 Hectares in R.S.No.255/8 and 0.30.0 Hectares in R.S.No.255/17 situated at Kattuvananjur Village, Sangarapuram Taluk, Villupuram District. These lands were sought to be acquired for the purpose of Harijan Welfare Scheme to provide free house sites to Adi Dravidars. In pursuant to which, notification under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijans Welfare Scheme Act, 1975 was issued on 12.03.1999. It was challenged before this Court in W.P.No.8628 of 1999, on the ground that the notification speaks only about the satisfaction of the Government and the District Collector had not applied his mind to the objections raised by the petitioners. However, the said petition was dismissed by an order dated 06.01.2009.

3. Aggrieved by the same, the petitioners filed a Writ Appeal before this Court in W.A.No.312 of 2009, and the Hon'ble Division Bench of this Court allowed the same by the judgment dated 04.10.2010 and quashed the acquisition proceedings initiated by the respondents. However, the Hon'ble Division Bench of this Court observed that it is open to the respondents to initiate fresh proceedings. But no fresh proceedings initiated by the respondents for acquiring the said lands. They preferred Special Leave Petition before the Hon'ble Supreme Court of India in S.L.P.(Civil)No.3752 of 2015 and the same was dismissed by an order dated 10.08.2016.

4. In the meanwhile, the petitioners made representation on 01.08.2014 to the first respondent herein and requested for transfer of patta and mutation of revenue records, in pursuant to the quashment of the acquisition proceedings in W.A.No.312 of



2009. However, the respondents did not take any steps to transfer the mutation of revenue records. Therefore, the petitioners filed another Writ Petition in W.P.No.23549 of 2014 and this Court by an order dated 10.02.2015, directed the third respondent to consider the representation of the petitioners and passed orders in accordance with law within a period of three months. As directed by this Court, the third respondent passed the impugned order, thereby rejecting the request made by the petitioners for the reasons that the respondents filed appeal before the Hon'ble Supreme Court of India and it is pending. Therefore, while pending the Special Leave Petition, the request made by the petitioners cannot be considered. Aggrieved the same, the petitioners filed this present Writ Petition with the above said prayer.

5. The learned Senior Counsel appearing for the petitioners submitted that as against the order passed by the Hon'ble Division Bench of this Court in W.A.No.312 of 2009, the respondents preferred a Special Leave Petition in S.L.P.No.3752 of 2015 and the same was dismissed by an order dated 10.08.2016. In fact, though the respondents were given an opportunity to initiate fresh proceedings in respect of acquiring the lands, they did not initiate any proceedings to acquire the lands. Further, the possession of the subject properties is also with the petitioners. Therefore for all purposes, the revenue records should be mutated in their favour and he prayed to allow this petition.

6. The learned Government Advocate appearing for the respondents filed counter and submitted that as against the order passed by the Hon'ble Division Bench of this Court, they filed Special Leave Petition in S.L.P.No.3752 of 2015 as such, till the disposal of the Special Leave Petition, the third respondent cannot mutate the revenue records in favour of the petitioners.

7. Heard Mr.ARL.Sundaresan, learned Senior Counsel appearing for the petitioners, Mr.Richardson Wilson, learned Government Advocate appearing for the respondents.

8. As stated supra, the Special Leave Petition filed by the respondents was dismissed by the Hon'ble Supreme Court of India by an order dated 10.08.2016. Therefore, the impugned order passed by the third respondent is liable to be set aside. Accordingly, the order dated 18.06.2015 passed by the third respondent in Na.Ka.No.A5/11456/2015, is hereby set aside. The third respondent is directed to transfer the patta and mutate all the revenue records of the subject properties in favour of the petitioners, within a period of four weeks from the date of the receipt of a copy of this Order.



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9. In the result, this Writ Petition stands allowed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rts

To

1.The District Collector,
Villupuram District,
Villupuram.

2.The Special Tahsildar,
Adi Dravidar Welfare Officer,
Kallakurichi,
Villupuram District.

3.The Tahsildar
Sangarapuram,
Villupuram District.

+1cc to M/s.A.L.Gandhimathi, Advocate Sr No.40098
+1cc to the Government Pleader Sr No.40058

W.P.No.31262 of 2015

NMI (CO)
PR (01/09/2021)