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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2021

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THE HONOURABLE MR.JUSTICE R. MAHADEVAN

W.P.No.13324 of 2021
and WP.No.14151 of 2021

Balasubramanian

... Petitioner

Vs

1. The Government of Tamil Nadu,
represented by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai.
2. The District Collector,
Salem District,
Salem.
3. Special Tahsildar (Adi Dravidar Welfare),
RDO office Complex,
Sangagiri

... Respondents

Prayer: Writ Petition filed under Section 226 of Constitution of India praying for issuance of Writ of Mandamus directing the respondents to return/reconvey the petitioner's property to an extent of 1 acre and 21 cents comprised in Survey Number 105/2A2, Edappadi Village, Salem, by considering the petitioner's representation dated 13.3.2021 within the time that may be stipulated by this Court.

For Petitioner : Mr. Nambi Arooran

For Respondents: Mr. Stalin Abimanyu,
Govt. Advocate for R1 to R3

O R D E R

The relief sought for in this Writ Petition is to issue a Mandamus directing the respondents to return/reconvey the petitioner's property measuring to an extent of 1 acre and 21 cents comprised in Survey No.105/2A2, Edappadi Village, Salem, by considering his representation dated 13.03.2021 within a time frame to be fixed by this Court.



2. According to the petitioner, he is in possession and enjoyment of the subject property along with his brothers, till date, by doing agricultural works. While so, the second respondent issued a notification dated 16.12.1997, to acquire the subject property under the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act, 1978, which was published in the Salem District Gazette dated 24.12.1997. However, the petitioner was not issued with any award, nor paid any compensation amount; and that the possession of the said property is with the petitioner and his brothers and all the revenue records pertaining to the same, stand in the name of his father. Hence, the petitioner made a detailed representation dated 13.03.2021 to the respondents requesting to return / reconvey the subject property to him, which was not considered, till date. Therefore, he has preferred this Court for the aforesaid relief.

3. The learned counsel for the petitioner submitted that as per Section 24 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, if an acquisition has been taken place and an award has been passed, before five years to the said Act coming into force, i.e., 01.01.2014 and that, if the possession has not been taken coupled with the fact that compensation has neither been paid, nor deposited in the civil court, the acquisition is deemed to have lapsed by the operation of law. Applying the said provision of law to the facts of the present case, the learned counsel prayed for a direction to the respondents to return / reconvey the subject property to the petitioner.

4. On the other hand, the learned Government Advocate appearing for the respondents fairly submitted that the respondent authorities would consider the petitioner's representation and pass orders, on merits, within a reasonable time to be fixed by this Court.

5. Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court without expressing any opinion on the merits of the case, directs the respondent authorities to consider the representation of the petitioner dated 13.03.2021 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.



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6. Accordingly, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

msr

To

1. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai.
2. The District Collector,
Salem District,
Salem.
3. Special Tahsildar (Adi Dravidar Welfare),
RDO office Complex,
Sangagiri.

+1cc to the Government Pleader Sr.29743

W.P.No.13324 of 2021 &
WMP.No.14151 of 2021

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srg 11/08/2021