



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.13950 of 2021
and W.M.P.No.14818 of 2021

M.R.Kavitha

...Petitioner

-Vs-

1. The District Collector
Vellore District,
Vellore.

2. The Special Tahsildar
Adi-Dravidar Welfare,
Gudiyattam Taluk,
Vellore District.

...Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to hand over the petitioner's properties of land measuring an extent of 0.49.0 hectare in S.No.33/6 of Modikuppam village, Gudiyatham Taluk, Vellore District and to pay appropriate compensation amount of Rs.5,00,000/- for the huge delay committed by the first respondent in not handover the petitioner's property inspite of orders of this Court, dated 12.09.2003 in W.A.No.2117 of 1999.

For Petitioner : Mr.A.Ilaya Perumal

For Respondents : Mr.Yogesh Kannadasan
Government Advocate

O R D E R

The prayer sought for herein is for a writ of mandamus, directing the first respondent to hand over the petitioner's properties of land measuring an extent of 0.49.0 hectare in S.No.33/6 of Modikuppam village, Gudiyatham Taluk, Vellore District and to pay appropriate compensation amount of Rs.5,00,000/- for the huge delay committed by the first respondent in not handover the petitioner's property inspite of orders of this Court, dated 12.09.2003 in W.A.No.2117 of 1999.



2. Insofar as the petitioner's land situated at S.No.33/6 to the extent of 0.49.0 hectare at Modikuppam village, Gudiyatham Taluk, Vellore District is concerned, it was subjected to the land acquisition proceeding. As against the land acquisition proceeding, the petitioner had filed writ petition and thereafter writ appeal before this Court and ultimately in W.A.No.2117 of 1999, a Division Bench of this Court, by order, dated 12.09.2003 has set aside the land acquisition proceeding and according to the petitioner, the said proceedings has become final as no further appeal had been filed. Therefore, the land acquisition proceedings on the land in question belongs to the petitioner acquired for public purpose since has been set aside and the said order since have become final, there can be no further impediment for the respondents to release the land and hand over the same to the petitioner.

3. However, in order to get back the land, the petitioner according to the averments made in the representation dated 12.03.2003, has been struggling for last 16 years as it seems that, the Tahsildar concerned had been directed to revisit the property and final comprehensive report, which the Tahsildar had filed several years back and thereafter several reminder letters seems to have been issued by the Tahsildar to the first respondent, District Collector in the year 2015 and even thereafter no formal order seems to have been passed by the first respondent, District Collector, giving direction to the second respondent, Tahsildar to release the land and hand over the same to the petitioner. Therefore, as a last attempt the petitioner had given a representation on 12.03.2019 to the first respondent, District Collector. Even the said representation since has not been considered, he has approached this Court by filing the present writ petition with the aforesaid prayer.

4. Heard Mr.A.Ilaya Perumal, learned counsel appearing for the petitioner, who having reiterated the aforesaid facts would seek indulgence of this Court to issue a suitable direction by way of mandamus.

5. Heard Mr.Yogesh Kannadasan, learned Government Advocate appearing for the respondents who would submit that, if at all the land in question belong to the petitioner having been acquired and subsequently the very acquisition having been set aside by the orders of this Court as early as in the year 2003 and it has become final, absolutely there could be no impediment for the respondents to hand over the land in question to the petitioner and in this regard whatever the complaint made by the petitioner in his representation, dated 12.03.2019, certainly would be looked into by the first respondent, District Collector and accordingly necessary orders would be passed for releasing



the land in question to the petitioner, if there is no other impediment attached with the said issue.

6. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

7. Though the land acquisition proceedings was set aside as early as in the year 2003 by the orders of this Court and the said proceedings have become final, for all these years, for one reason or other, it seems that, the land of the petitioner has not been handed over back to the petitioner. Though several attempts in this regard were made by the petitioner as he has explained in his representation, nothing has yielded any desired result, therefore, at last the petitioner has come before this Court seeking the aforesaid prayer.

8. After having considered this factual matrix and considering the submissions made by both sides, this Court is of the view that, a direction can be given to the respondents, especially the first respondent to give a suitable direction to the second respondent to hand over the land in question to the petitioner by considering his representation, dated 12.03.2019.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders :

"There shall be a direction to the first respondent, District Collector, to consider the representation of the petitioner, dated 12.03.2019 and pass orders thereon, giving direction to the second respondent, Tahsildar to verify and hand over the land in question to the petitioner and the needful as indicated above shall be made by both the respondents, within a period of Eight weeks from the date of receipt of a copy of this order."

10. With this direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

tsvn



To

1. The District Collector
Vellore District,
Vellore.

2. The Special Tahsildar
Adi-Dravidar Welfare,
Gudiyattam Taluk,
Vellore District.

+1cc to Mr.Ilayaperumal, Advocate, S.R.No.31807

+1cc to the Government Pleader, S.R.No.32139

W.P.No.13950 of 2021

PL(CO)
RGA(29/07/2021)