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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.16899 OF 2021

AND

W.M.P.NOS.17883 AND 17886 OF 2021

1. Rajakumari
2. Malarvizhi
3. Senthamizhselvi

... Petitioners

-Vs-

1. The District Collector,
Vellore District,
Vellore - 632 009.
2. The Revenue Divisional Officer,
Vellore Revenue Division,
Vellore - 632 009.
3. The Tahsildhar,
Anaicut Taluk,
Vellore District.
4. The Village Administrative Officer,
Vannanthaangal Village,
Anaicut Taluk,
Vellore District.
5. M.Murthy
6. R.Arul
(R5 and R6 impleaded as per order
dated 29.11.2021 in
W.M.P.No.26855 of 2021
in W.P.No.16899 of 2021)

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the second respondent to restore the patta No.456 in respect of Survey No.83/1 and 83/1C situated at



Vannanthaangal Village, Anaicut Taluk, Vellore District based on the enquiry held on 04.01.2021 in proceedings Na.Ka.No.A2/4694/2020 by the second respondent.

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For Petitioners : Mr.C.Prabakaran
For R1 to R4 : Mr.Yogesh Kannadasan
Special Government Pleader.
For R5 and R6 : Mr.K.Mohanamurali

ORDER

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the second respondent to restore the patta No.456 in respect of Survey No.83/1 and 83/1C situated at Vannanthaangal Village, Anaicut Taluk, Vellore District based on the enquiry held on 04.01.2021 in proceedings Na.Ka.No.A2/4694/2020 by the second respondent.

2. Heard Mr.C.Prabakaran, learned counsel appearing for the petitioners, Mr.Yogesh Kannadasan, learned Special Government Pleader appearing for the respondents 1 to 4 and Mr.K.Mohanamurali, learned counsel appearing for the respondents 5 and 6.

3. The petitioners submitted petition to restore their patta lands comprised in Survey Nos.83/1 and 83/1C situated at Vannanthaangal Village, Anaicut Taluk, Vellore District. On receipt of the same, the second respondent issued summons to the petitioners for enquiry to be held on 07.01.2021. However, thereafter no proceedings was initiated by the second respondent and still pending.

4. On instructions, Mr.Yogesh Kannadasan, learned Special Government Pleader, submitted that the subject land which is acquired by the petitioner was already acquired for Harijans Adidravidar of Vannanthaangal village and also declared as burial ground by the proceedings dated 23.09.2003 in Reference No.8A/101/1412 and by the proceedings of the first respondent, dated 01.03.1997 in Ref.No.K11/14709/97.

5. In fact, after the subject lands were acquired, all the petitioners were issued notice under Section 12(2) of the Land Acquisition Act, 1894. Thereafter, by the proceedings, dated 19.06.2000, the petitioners were informed to collect the compensation, failing which, the compensation amount will be deposited in the Revenue Deposit. However, according to the



petitioners, they had no notice about the acquisition proceedings or the award proceedings and as such they filed a petition before the second respondent to restore their land.

6. Pending the writ petition, the beneficiaries i.e. The villagers filed an implead petition before this Court in W.M.P.No.26855 of 2021, to implead themselves as parties to the present writ petition for the reason that the subject property comprised in Survey Nos.83/1 and 83/1C are declared as burial ground as early as in the year 2003 itself. The said burial ground is used by the entire Vannanthaangal Colony residence, about 100 families. Therefore, after the lapse of several years, it cannot be re-adjudicate and prayed for dismissal of the writ petition.

7. Considering the above, the second respondent is directed to conduct an enquiry in the proceedings which was already initiated by the second respondent in Na.Ka.No.A2/4694/2020 and after giving an opportunity of hearing to the petitioners and the respondents 5 and 6 herein and after receipt of the reports from the third and fourth respondents herein, pass orders on merits and in accordance with law, within a period of twelve weeks thereafter.

8. With the above directions, this writ petition is disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Vellore District,
Vellore - 632 009.
2. The Revenue Divisional Officer,
Vellore Revenue Division,
Vellore - 632 009.
3. The Tahsildhar,
Anaicut Taluk,
Vellore District.



4. The Village Administrative Officer,
Vannanthaangal Village,
Anaicut Taluk,
Vellore District.

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+1cc to M/s.C.Prabakaran, Advocate, S.R.No.62137

+1cc to the Government Pleader, S.R.No.62651

W.P.No.16899 of 2021
and W.M.P.Nos.17883 and 17886 of 2021

RGN(CO)
RLP(08/03/2022)