



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.10.2021

Coram:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.44452 of 2016
and
W.M.P.No.38296 of 2016

Rani

.... Petitioner

Vs

1. The District Collector,
Coimbatore District,
Coimbatore.
2. The District Revenue Officer,
Coimbatore District,
Coimbatore.
3. The Tahsildar,
Office of the Tahsildar,
Madukkarai, Coimbatore.
4. The District Adi-Dravida Welfare Officer,
Coimbatore District,
Coimbatore.
5. The Special Tahsildar,
Land Acquisition,
Adi-Dravida and Tribal Welfare Department,
Coimbatore District,
Coimbatore.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondents from entering into the petitioner's land comprised in S.F.Nos.266/1 and 268, Vellalore Village, Coimbatore or damaging the crops in the said property, as far as the petitioner is concerned, except under due process of law.

For Petitioner : Mr.Y. Micheal Raj

For Respondents : Mr. M.R.Gokul Krishnan
Government Advocate



ORDER

This Writ Petition has been filed for issuance of Writ of Mandamus, forbearing the respondents from entering into the petitioner's land comprised in S.F.Nos.266/1 and 268, Vellalore Village, Coimbatore or damaging the crops in the said property, as far as the petitioner is concerned, except under due process of law.

2. Heard, Mr.Y.Micheal Raj, learned counsel appearing for the petitioner and Mr. M.R.Gokul Krishnan, learned Government Advocate appearing for the respondents.

3. The case of the petitioner is that the mother of the petitioner purchased the property, comprised in Survey Nos.266/1 and 268 to an extent of 2.13 cents situated at Vellalore Village, Coimbatore, from one Meenakshi Ammal, by a registered sale deed dated 25.04.1979 vide document No.865 of 1979. After demise of her mother, the petitioner is in possession and enjoyment of the subject property. While being so, the respondents, without any notice, acquired the subject land for Adi-draavidar Welfare Scheme. On coming to know about the notification under Section 4(1) of the Land Acquisition Act, the petitioner sent a representation to the respondents restraining them from entering into the property and disturbing her peaceful possession without any acquisition under the law. At the same time, the petitioner filed this writ petition before this Court.

4. A perusal of the counter filed by the third respondent reveals that pending the writ petition, this Court by an order dated 21.04.2021, directed the third respondent to measure the entire land comprised in Survey Nos.266 and 268 of Vellalore Village, Madukkarai Taluk, Coimbatore District and find out what is the exact land acquired under the land acquisition proceedings, dated 18.03.1996 and the extent of such acquisition and also ascertain the remaining land and if so, the remaining land belongs to whom also can very well be ascertained and all these details to be ascertained and accordingly, a detailed report with sketch filed by the third respondent.

5. Accordingly, the third respondent inspected the subject property comprised in Survey Nos.266 and 268 situated at Vellalore Village. During their detailed survey of the entire lands in Survey No.266 of Vellalore Village, the details of the sub-division of the Survey No.266 and their respective owners are as follows :-



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Sl. No	Sub-division No.	Extent (In Hectare)	Owner's name
1	266/1A1	0.41.0	Adidraavidar Natham
2	266/1A2	0.44.0	Kumarasamy Aasari and Ors
3	266/1B	0.09.0	C.Murugaian
4	266/1C	0.05.5	Velusamy
5	266/1D	0.04.5	Shanmugam
6	266/1E	0.03.0	Dhandapani
7	266/1F	0.03.0	Velusamy
8	266/1G	0.04.0	Palanisamy
9	266/1H	0.05.5	Easwaran
10	266/1I	0.04.0	Easwaran
11	266/1J	0.05.5	Palanisamy
12	266/1K	0.04.0	Subbathal
13	266/1L	0.01.0	Murugaian
14	266/1M	0.47.0	Mariammal
15	266/1N1	0.23.0	Krishna Konar

6. Likewise, the details of the sub-division of the Survey No.268 of Vellalore Village and their respective owners are as follows :

Sl. No	Sub-division No.	Extent (In Hectare)	Owner's name
1	268/1	1.79.5	Adidraavidar Natham
2	268/2	0.05.5	Krishnasamy
3	268/3	0.09.0	Murugaian
4	268/4	0.10.0	Murugaian
5	268/5	0.04.5	Shanmugam
6	268/6	0.05.0	Velusamy
7	268/7	0.03.5	Dhandapani
8	268/8	0.03.5	Velusamy
9	268/9	0.04.0	Palanisamy
10	268/10	0.14.0	Easwaran
11	268/11	0.05.0	Easwaran



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Sl. No	Sub-division No.	Extent (In Hectare)	Owner's name
12	268/12	0.14.0	Palanisamy Konar
13	268/13	0.13.0	Shanmugam
14	268/14	0.03.0	Palanisamy
15	268/15	0.03.0	Easwaran
16	268/16	0.38.5	Easwaran
17	268/17	0.08.0	Palanisamy
18	268/18	0.07.0	Velusamy
19	268/19	0.12.5	Easwaran
20	268/20	0.08.5	Dhandapani
21	268/21	0.13.5	Velusamy
22	268/22	0.12.5	Dhandapani

7. From the above, it has been ascertained that the entire land to an extent of 2.13 ½ acres in Survey Nos.266/1 and 268 have been acquired by the Adi Dravidar and Tribals Welfare Department by the acquisition proceedings dated 18.03.1996. The petitioner claiming alleged land ad-measuring 2.13 ½ acres is well within the 5.45 acres of the land acquired by the Adi Dravidar and Tribals Welfare Department. Further during the survey of the said properties to an extent of 5.45 acres in Survey Nos.266/1A1 and 268/1 were found to be vacant land and it is under the possession of Adi Dravidar and Tribals Welfare Department. The petitioner was never in possession and enjoyment of the said property. After acquisition of the said property, the village records have been changed in the name of the Adi Dravidar Welfare Department and sub-divided as Survey Nos. 266/1A1 and 268/1 of Vellalore Village.

8. That apart, on perusal of the counter filed by the fifth respondent reveals that the mother of the petitioner, namely Mariammal, along with one Lakshmi already filed writ petition in W.P.No.14829 of 1996, challenging the notification issued under Section 4(1) of the Act 31 of 1978. In the said writ petition, his mother along with the said Lakshmi claimed that they have purchased the property to an extent of 4.62 acres of land comprised in Survey Nos. 266/1 and 268/1 of Vellalore Village by a registered sale deed dated 25.04.1979 and the said land was acquired by the notification issued under Section 4(1) of the Land Acquisition Act without any notice to them. This Court, by an order dated 23.10.2003, dismissed the writ petition. Suppressing the above facts, the present writ petition has been filed, that too with the prayer forbearing the



respondents from entering into the petitioner's land or damaging the crops in the said property, except under due process of law.

9. The District Collector of Coimbatore District initiated the land acquisition proceedings to acquire the land ad-measuring an extent of 2.20.5 hectares in Vellalore Village, Madukkari Taluk, Coimbatore District for the purpose to provide house sites to poor Adi Dravidars. It has been initiated under the Tamil Nadu Land Acquisition Act and sought to be acquired from the property comprised in Survey No.266/1 admeasuring 0.41.0 hectares and 268/1 admeasuring 1.79.5 hectares, totalling 2.20.5 hectares. As per the revenue records, the lands owned by one Krishnasamy, Saraswathi, Mylathal, Veeramani and Lakshmi. The Form No.1 under Section 4(2) of the Tamil Nadu Land Acquisition Act 31 of 1978 was issued on 02.02.1996 for enquiry to be held on 27.02.1996. Thereafter, the proposal dated 28.02.1996 was issued under Section 4(2) of the Act. On 22.03.1996, a notification under Section 4(1) duly approved by the District Collector was published in the District Gazette. The market value for the above lands was fixed at Rs.75,000/- per acre and the total market value including the land cost plus 15% solatium. An award enquiry was conducted on 29.03.1996 and the compensation amount was paid to the aforesaid owners of the land who have also appeared for the enquiry conducted on 29.03.1996. Therefore, the entire land has been already acquired, the award was also passed and the entire compensation amount was paid to the owners of the land. Therefore, the present writ petition is devoid of merits.

10. In the result, the Writ Petition stands dismissed. Consequently connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

Lpp

To

1. The District Collector,
Coimbatore District,
Coimbatore.



2. The District Revenue Officer,
Coimbatore District,
Coimbatore.

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Madukkarai, Coimbatore.

4. The District Adi-Dravida Welfare Officer,
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5. The Special Tahsildar,
Land Acquisition,
Adi-Dravida and Tribal Welfare Department,
Coimbatore District,
Coimbatore.

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GPL (CO)
SU (15/11/2021)