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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.No.20728 of 2019
and W.M.P.No.19884 of 2019

G.Ponnurangam

.. Petitioner

Vs.

1. The Secretary,
Department of SC, ST Welfare,
Secretariat, St.George Fort,
Chennai - 9.
2. The Joint Secretary,
Department of SC, ST Welfare,
Secretariat, St.George Fort,
Chennai - 9.
3. The Collector,
O/o District Collectorate,
Thiruvallur District.
4. The Special Tahsildar,
Land Acquisition for SC, ST Welfare,
Tiruthani Taluk.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to allot the alternative sites in Survey No.122/3, Patta No.1600, situated in the Raja Nagaram Village, Pallipattu taluk in Thiruthani District.

For Petitioner : Mr.S.Mahaveer Shivaji

For Respondents : Mr.K.M.D.Muhilan,
Government Advocate

O R D E R

(The case has been heard through video conference)

The writ petition has been filed seeking a direction to the respondents to allot alternative house sites to the



beneficiaries in Survey No.122/3, Patta No.1600, situated at Raja Nagaram Village, Pallipattu Taluk, Thiruthani District.

2. According to the petitioner, earlier an extent of 4.84 acres of land in S.R.No.107/2, 107/5, dry 107/6, 107/7, 109/8, 109/9, 109/10A, 109/10B, 109/10C, 109/11, 109/12 has been acquired for the purpose of providing house sites to SC & ST people. According to the petitioner, after acquisition, land was not used for the purpose for which it was acquired. Hence, the petitioner and others approached the third respondent to provide alternative site to the beneficiaries instead of the land acquired under the Land Acquisition Act. The said representation has not been considered by the respondents, hence the present writ petition has been filed.

3. The fourth respondent Special Tahsildar has filed a counter affidavit stating that at the request of the Adi Dravidar people residing at Raja Nagaram Village in Pallipet Taluk, land measuring an extent of 1.95.5 hectares of land has been acquired in the year 1992, subsequently award has also been passed on 23.03.1993. The land owners did not come forward to receive the compensation, hence the amount has been kept in the revenue deposit. Thereafter, house site patta was issued to the beneficiaries on 16.08.1994. The petitioner who is a powerful land owner in that area preventing the Adi Dravidar people from entering into the land and construct their houses. In the above circumstance the beneficiaries are not in a position to occupy the land, and it is not open to the petitioner to seek for providing alternative house site and further without challenging the land acquisition proceedings, the petitioner cannot maintain the present writ petition.

4. Mr.Mahaveer Shivaji, learned counsel appearing for the petitioner submitted that since the land acquired is nearby to a temple, law and order problem could arise. He further submitted that the beneficiaries also have not taken possession of the land. In the above circumstance, as the beneficiaries are not willing to occupy the house sites, the respondents may be directed to provide alternative house sites to them.

5. Mr.K.M.D.Muhilan, learned Government Advocate appearing for respondents submitted that the acquisition was made in the year 1992 and patta was also issued to the beneficiaries in the year 1994. The petitioner is a powerful man in the area and he is preventing the beneficiaries from occupying the land and hence the beneficiaries could not be able to use the land. In the



said circumstance, it is not open to provide house sites in an alternate place.

6. I have considered the above submission and also perused the records carefully.

7. Considering the fact that lands were acquired in the year 1992 and patta was also issued in the year 1994 to the beneficiaries and it is alleged that the petitioner is preventing the beneficiaries from occupying the land. As on today, acquisition proceedings has not been challenged by the land owners. Now it is also stated that patta has been issued to the beneficiaries and in such circumstances, the petitioner cannot prevent the beneficiaries from occupying the land, and make any request to change the house site scheme to any alternative site. The writ petition has been filed with a mala fide intention to stall the beneficiaries from taking over the land. I do not find any merit in the writ petition, the writ petition is liable to be dismissed and accordingly dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar (CS-VII)

// True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Department of SC, ST Welfare,
Secretariat, St. George Fort,
Chennai - 9.
2. The Joint Secretary,
Department of SC, ST Welfare,
Secretariat, St. George Fort,
Chennai - 9.
3. The Collector,
O/o District Collectorate,
Thiruvallur District.



4. The Special Tahsildar,
Land Acquisition for SC, ST Welfare,
Tiruthani Taluk.

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+1cc to Mr.Mahaveer Sivaji, Advocate, S.R.No.35437
+1cc to the Government Pleader, S.R.No.35925

W.P.No.20728 of 2019 and
W.M.P.No.19884 of 2019

PL (CO)
SU (18/08/2021)