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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2021

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.NO.24667 OF 2021

AND

WMP.NO.25959 OF 2021

B.Balagurunathan

...Petitioner

-Vs-

- 1.The District Collector,
Villupuram,
Villupuram District.
- 2.The District Revenue Officer,
Villupuram,
Villupuram District.
- 3.The Sub-Collector,
Tindivanam,
Villupuram District.
- 4.The District Welfare officer,
(Schedule Caste & Schedule Tribe)
Villupuram,
Villupuram District.
- 5.The Welfare Special Tahsildar,
(Adi-Dravidar & Tribes)
Tindivanam, Tindivanam Taluk,
Villupuram District.
- 6.The Tahsildar,
Varur,
Varur Taluk,
Villupuram District.

7.B.Sambandam

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus was pleased to consider the petitioner's representation dated 03.11.2021 or pass any appropriate Writ or order and



direct the respondents to forbear from taking any action against the petitioner representation based on the recommendation from the village panchayat president (respondent 7) that the above relief may be granted.

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For petitioner : Mr.T.G.V.Aravinthan
For Respondents : Mr.U.Baranidharan
Additional Government Pleader

O R D E R

This Writ Petition has been filed to consider the petitioners representation dated 03.11.2021 and to forbear from taking any action against the petitioner representation based on the recommendation from the village panchayat president (respondent 7).

2. The case of the petitioner is that he is a resident of Kaluperumbakkam Village and he is owning a land in S.no.42/10B, Old S.No.45/2, extent of 0.15 cents and patta No.1909. The petitioner and other adjacent land owners are doing agriculture. The further case of the petitioner is that the people, who belong to SC community, using the petitioners land to reach the graveyard and subsequently, it seems that the revenue officials decided to acquire the land from the petitioner and adjacent land owners to create the pathway for the burial ground, for which, enquiry was conducted and the report was forwarded to the District Collector. Objecting the same, the petitioner made a representation dated 03.11.2021 to the 5th respondent. However, till date, no order was passed. Hence, the petitioner filed the present writ petition before this Court seeking for appropriate relief.

3. The learned counsel for the petitioner made a submission that there are other suitable ways to reach the graveyard. In view of the alternative site available, the acquisition for the land to set up the pathway for the graveyard requires reconsideration.

4. The learned Additional Government Pleader submitted that the Government have power to acquire the land under the Land Acquisition Act. If the petitioner is aggrieved to acquire his land, he has to file an appropriate petition before the concerned forum. Instead of filing the said petition, he has come up with this petition before this Court, which is unsustainable one. Therefore, the counsel prays this Court to dismiss the present writ petition.



5. Heard the learned counsel for the petitioner as well as the Additional Government Pleader and perused the materials available on record.

6. It is admitted that the Government has acquired the land from the petitioner and adjacent lands for the formation of pathway of the graveyard. It is further admitted that the District collector has power to acquire the land by invoking the provisions of the Land Acquisition Act. In such circumstances, this Court cannot issue direction to the respondents to consider the petitioner's representation.

7. Accordingly, the Writ Petition is dismissed. However, liberty is granted to the petitioner to work out his remedy in the manner known to law, if the land acquisition proceedings initiated against the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

rli

To

1. The District Collector,
Villupuram,
Villupuram District.
2. The District Revenue Officer,
Villupuram,
Villupuram District.
3. The Sub-Collector,
Tindivanam,
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4. The District Welfare officer,
(Schedule Caste & Schedule Tribe)
Villupuram,
Villupuram District.
5. The Welfare Special Tahsildar,
(Adi-Dravidar & Tribes)
Tindivanam, Tindivanam Taluk,
Villupuram District.



6.The Tahsildar,
Varur,
Varur Taluk,
Villupuram District.

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+2ccs to M/s.T.G.V.Aravind, Advocate SR.No.59937

+1cc to the Government Pleader SR.No.59751

W.P.No.24667 of 2021

BP (CO)
RVM(20/12/2021)