



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.26851 OF 2021

AND

W.M.P.NOS.28304, 28306 AND 28307 OF 2021

1. K.Ammasai
2. P.Subramani
3. K.Kanagamani ... Petitioners

.Vs.

1. The District Collector,
Salem District, Salem.
2. The District Revenue Officer,
Salem, Salem District.
3. The District Adi-Dravidar Welfare Office,
Collectorate Campus,
Salem District,
Salem.
4. The Special Tahsildar,
Adi-Dravidar Welfare Department,
Attur, Salem District.
5. The Revenue Divisional Officer,
Attur, Salem District.
6. The Tahsildar,
Pethanayakkanpalayam Taluk,
Salem District.
7. The Superintendent of Police,
Salem District, Salem.
8. The Deputy Superintendent of Police,
Valappadi,
Salem District.



9. The Inspector of Police,
Yethapur Police Station,
Salem District.

10. V.Kannaiyan

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents 1 to 6 to issue free house site patta to the Adi-Dravidar people in the land comprising in S.No.329/2B measuring Acre 3.50 cents situated at Yeathapur Village, Pethanayakkanpalayam Taluk, Salem District based on the petitioner's representation dated 25.10.2021.

For Petitioner : Mr.R.Sagadevan
For Mr.S.Satheeshkumar

For R1 to R9 : Mr.V.Jeevagiridharan
Additional Government Pleader

For R10 : Mr.P.Jagadisan

O R D E R

The petitioner has filed this writ petition for a direction, directing the respondents 1 to 6 to issue free house site patta to the Adi-Dravidar people in the land comprised in S.No.329/2B measuring Acre 3.50 cents situated at Yeathapur Village, Pethanayakkanpalayam Taluk, Salem District based on the petitioner's representation dated 25.10.2021.

2. The said land was acquired by the Government for the provision of free house site patta to Adi-Dravidar people in Yethapur Village under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978. After acquisition, the award was passed on 07.03.1996. However, the 10th respondent herein along with his wife challenging the acquisition proceedings in W.P.Nos.12668 and 12669 of 1996 before this Court and this Court by an order dated 07.04.2004 quashed the entire acquisition proceedings on the ground that no authorization as required under Section 4(2) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 was obtained from the District Collector.

3. Aggrieved by the same, the respondents filed writ appeals in W.A.Nos.211 and 212 of 2005 before this Court and the same



were also dismissed by this Court by an order dated 20.03.2009. However, aggrieved by the same, no special leave petition filed so far before the Hon'ble Supreme Court of India. Only in the year 2016, the report has been submitted by the District Collector, viz., the 1st respondent herein to prefer appeal before the Hon'ble Supreme Court of India.

4. In the meanwhile, the subject land has not been handed over to the owners viz., the 10th respondent and his wife. Therefore, they also filed suit in O.S.No. 189 of 2016 on the file of the learned District Munsif, Attur for bare injunction. Though their interim application in I.A.No.976 of 2016 in O.S.No.189 of 2016, dismissed on 21.06.2018. The entire acquisition proceedings has been quashed and confirmed by the Hon'ble Division Bench of this Court in W.A.Nos.211 and 212 of 2005, dated 20.03.2009. The learned counsel for the 10th respondent submitted that for mutation of revenue records after quashment of the land acquisition proceedings, the 10th respondent and others filed writ petition in W.P.No.1219 of 2021 and this Court by an order dated 01.04.2021 allowed the writ petition and directed the authorities concerned to mutate the revenue records in favour of the 10th respondent.

5. Therefore, the petitioner's request for issuance of free house site patta cannot be considered, unless the 1st respondent proceeded with fresh acquisition proceedings. Hence, this writ petition is devoid of merits and it is liable to be dismissed.

6. Accordingly, the writ petition is dismissed. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

dm

To

1. The District Collector,
Salem District, Salem.
2. The District Revenue Officer,
Salem, Salem District.



3. The District Adi-Dravidar Welfare Office,
Collectorate Campus,
Salem District, Salem.
4. The Special Tahsildar,
Adi-Dravidar Welfare Department,
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Pethanayakkanpalayam Taluk,
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7. The Superintendent of Police,
Salem District, Salem.
8. The Deputy Superintendent of Police,
Valappadi,
Salem District.
9. The Inspector of Police,
Yethapur Police Station,
Salem District.

+1cc to Mr.R.Sagadevan, Advocate, S.R.No.67580
+1cc to the Government Pleader, S.R.No.68290

W.P.NO.26851 OF 2021

AD(CO)
PBS/05/01/2022