

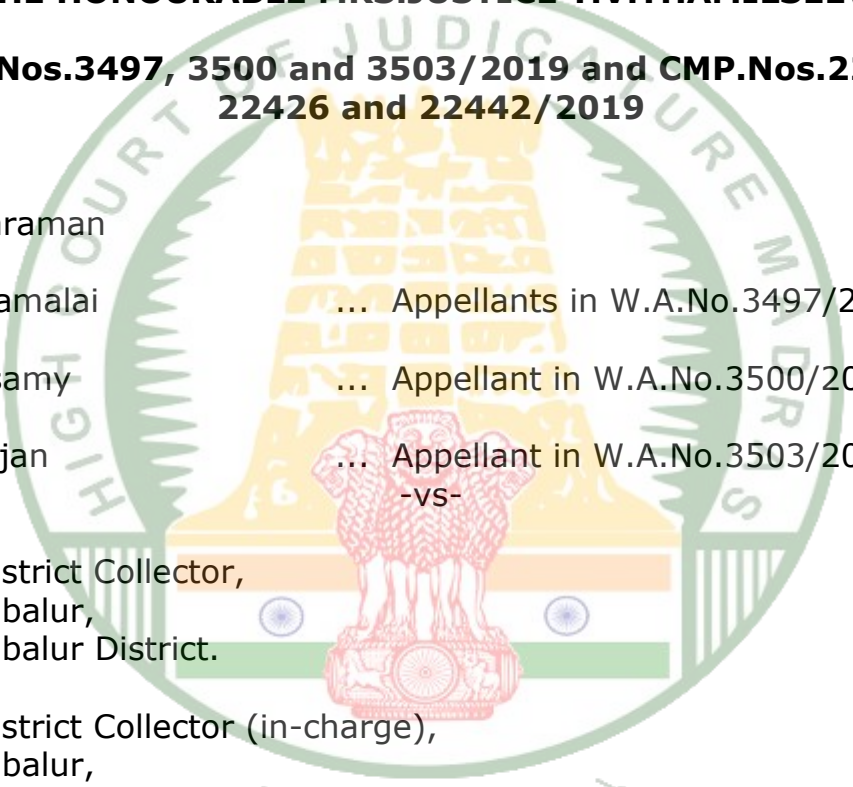
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2021

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THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

**W.A.Nos.3497, 3500 and 3503/2019 and CMP.Nos.22413,
22426 and 22442/2019**

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1. A.Jayaraman
2. A.Annamalai ... Appellants in W.A.No.3497/2019
T.Muthusamy ... Appellant in W.A.No.3500/2019
D.Natarajan ... Appellant in W.A.No.3503/2019
-vs-
1. The District Collector,
Perambalur,
Perambalur District.
2. The District Collector (in-charge),
Perambalur,
Perambalur District. सत्यमेव जयते
3. The Special Tahsildar,
Adi Dravidar Welfare,
Perambalur,
Perambalur District.
4. L.Thangaponnu ... Respondents in all Writ Appeals
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Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the Common Order of the learned Single Judge made in W.P.Nos.9411, 8817 and 8818 of 2005 dated 15.07.2019

In all W.As.
For Appellants : Mr.S.Kamadevan

For respondents : Mr.T.Arunkumar,
1 to 3 Government Advocate

For 4th respondent : Mr.P.Ganesan
for M/s.C.S.Associates

COMMON JUDGMENT

(Judgment of the Court was pronounced by **T.RAJA.J**)

These Writ Appeals have been filed against the Common Order passed in W.P.Nos.8817, 8818 and 9411/2005 dated 15.07.2019 by a learned Single Judge of this Court.

2. Learned Counsel appearing for the appellants would submit that when the appellants are the owners of the cultivable lands situated in Survey Nos.52/1, 52/2 and 53/6B measuring to an extent of 0.39.5, 0.33.0 and 1.43.0 hectares respectively at Mettupalayam South Village, Perambalur, a notice under Section 4(2) of the Tamilnadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 was issued by the 3rd respondent herein, namely, the Special Tahsildar,

Adi Dravidar Welfare, Perambalur, Perambalur District, proposing to acquire the lands-in-question to provide house sites to Adi Dravidars by fixing the enquiry on 12.12.2002 calling for objections, if any, and the appellants sought for an adjournment by specifying the reasons. But the 3rd respondent proceeded with the enquiry without even looking into the genuineness of the time sought for participating in the enquiry. The refusal to grant adjournment is arbitrary, he pleaded. However, when detailed objections were sent stating that the following persons, namely, 1. Loganathan, 2. Sankaran, 3. Boongal, 4. Kalyani, 5. Thavamani, 6. Jayamma, 7. Nataraj, 8. Natesan, 9. Periasamy, 10. Dhanapaul, 11. Arumugam, 12. Karruthamani, 13. Subramanian and 14. Mottaiyan were already beneficiaries who got the allotment in the earlier acquisition proceedings, but they have sold away the allotted plots to some third parties, without even verifying whether the objections raised by the appellants were correct or incorrect, the 3rd respondent wrongly proceeded with the matter. Moreover, when there was a specific objection raised that the lands were already acquired during the year 1986 to provide house sites to Adi Dravidars measuring to an extent of 7 acres and in that there are vacant plots still available without allotting and occupying, therefore, the same can be utilised and that the beneficiaries who got the allotment in the earlier acquisition proceedings have also sold away their plots to some

other third parties and the names of the such beneficiaries numbering 14 were given, it was not considered. This aspect was also not carefully looked into by the learned Single Judge.

3. Learned Counsel for the appellants also drawing our attention to their objections dated 10.12.2002 and apprising the fact that 14 persons were already beneficiaries of the earlier acquisition proceedings submitted that the 3rd respondent has not considered the said objection. Even the counter affidavit filed before the learned Single Judge is ambiguous and unclear. Above all, when a notice of enquiry was issued on 22.11.2002, it was served on the land owners on 01.12.2002. The notice of enquiry dated 22.11.2002 was served on the appellants only on 01.12.2002 also indicates that they were not provided with even 15 days clear notice. Therefore, the present Writ Appeals have to be allowed, he pleaded.

4. Learned Government Advocate appearing for the respondents 1 to 3 is unable to tell us why the objections raised by the appellants were not considered by the Special Tahsildar, Adi Dravidar Welfare, Perambalur. The reason being that when a specific objection was raised giving clear names of the beneficiaries as to why they should be again identified as beneficiaries in the subsequent

proceedings, we were not able to get any sufficient explanation. This vital aspect has been completely overlooked by the learned Single Judge, which has to be looked into again afresh. Therefore, we are inclined to set aside the common order of the learned Single Judge made in W.P.Nos.9411, 8817 and 8818 of 2005 dated 15.07.2019 thereby remanding the matter back to the 3rd respondent herein, namely, The Special Tahsildar, Adi Dravidar Welfare, Perambalur, Perambalur District for fresh enquiry on merits, who shall issue notice to the appellants and 4th respondent herein, and on receipt of their objections and after thorough investigation, decide the matter on merits and in accordance with law.

5. At this stage, learned Counsel for the 4th respondent submitted that while holding fresh enquiry, notice may be served on the beneficiaries concerned.

6. Recording the same, the 3rd respondent is also hereby directed to issue notice to the beneficiaries concerned by giving 15 days clear notice. The 3rd respondent should keep in mind that on enquiry, if any one of the 14 beneficiaries mentioned by the appellants is found having sufficient land or house, who were benefited from the previous proceedings, their names shall be deleted from the list of

T.RAJA, J.
and
T.V.THAMILSELVI, J.

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beneficiaries as they are ineligible. The above said exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this Order.

7. With the above directions, these Writ Appeals are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

(T.R.J.,)

(T.V.T.S.J.,)

07.10.2021

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To

1. The District Collector,
Perambalur, Perambalur District.
2. The District Collector (in-charge),
Perambalur, Perambalur District.
3. The Special Tahsildar,
Adi Dravidar Welfare,
Perambalur, Perambalur District.

W.A.Nos.3497, 3500 and 3503/2019



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