



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.33004 of 2017

A.Hayath Basha ...Petitioner

Vs.

1. The District Collector,
Perambalur, Perambalur District.
2. The Special Tahsildar,
Adi Dravidar Welfare Department,
Perambalur District.
3. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.
4. The Director of Adi Dravidar and Tribal Welfare Department,
Directorate of Adi Dravidar and Welfare Department,
Chepauk, Chennai - 600 005.
5. The District Adi Dravidar and Tribal Welfare Officer,
Perambalur, Perambalur District.
[R-3 to R-5 are impleaded as per order
dated 11.01.2018 in W.M.P.No.737 of 2018
in W.P.No.33004 of 2017]
6. The Chief Secretary,
Government of Tamil Nadu,
Fort St.George, Chennai.
[R-6 impleaded Suo-Motu impleaded as per order
dated 15.03.2018 in W.P.No.33004 of 2017].

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to pass an award under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for acquisition of petitioner's lands comprised in Survey Nos.351/2B, 351/3, 352/2B and 352/4B2 measuring to an extent of 2.24.5 hectares situated at V.Kalathur Village, Vepanthattai Taluk, Perambalur District in pursuant to the Notification dated 31.03.2001 issued in Na.Ka.No.11/104794/1994 under Section 3(1) of the Act 31 of 1978



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in Perambalur District Gazette dated 06.06.2001, by the first respondent and disburse the award amount to the petitioner within the period stipulated by this Court.

For Petitioner : Mr.R.Ragavendran

For Respondents: Mr.M.R.Gokul Krishnan
Government Advocate
(for R-1, R-2 & R-6)

O R D E R

This petition has been filed seeking to direct the respondents to pass an award under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the New Act', for short) for acquisition of petitioner's lands comprised in Survey Nos.351/2B, 351/3, 352/2B and 352/4B2 measuring to an extent of 2.24.5 hectares situated at V.Kalathur Village, Vepanthattai Taluk, Perambalur District in pursuant to the Notification dated 31.03.2001 issued in Na.Ka.No.11/104794/1994 under Section 4(1) of the Act 31 of 1978 in Perambalur District Gazette dated 06.06.2001, by the first respondent and disburse the award amount to the petitioner within the period stipulated by this Court.

2. The case of the petitioner is that the lands in Survey Nos.351/2B, 351/3, 352/2B and 352/4B2 ad-measuring to an extent of 2.24.5 hectares situated at V.Kalathur Village, Vepanthattai Taluk, Perambalur District was owned by his father. The said lands were acquired for providing free house site pattas to Adi Dravidars, Mettuchari. Initially, the acquisition proceedings were proceeded under the Land Acquisition Act, 1894 and the same was challenged before this Court in W.P.No.12787 of 1989 and the same was allowed. Thereafter, under the State Act, 31 of 1978 viz., the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (hereinafter referred to as the Act', for short), notice under Section 4(1) of the Act was issued and the same was also challenged before this Court in W.P.No.7714 of 2005. It was dismissed by this Court by an order dated 09.04.2013. Now, the lands were acquired and all the processes were completed. However, the grievance of the petitioner in this Writ Petition is that, no award is passed on the acquisition proceedings initiated under the Act and no award amount was also disbursed to the petitioner even till today.

3. On a perusal of the counter affidavit, it reveals that, after acquisition proceedings, the award was passed in Award No.2 of 2001 on 05.11.2001 for a sum of Rs.1,92,636/-. In fact, thereafter, the notice was issued to collect the said amount.



The said notice was duly received by the petitioner and the award amount was deposited on 05.11.2001 before the concerned jurisdictional Treasury. Therefore, the prayer in this Writ Petition seeking direction to direct the respondents to pass an award under the New Act cannot be sustained, since the New Act is not at all applicable to the acquisition proceedings initiated under the Act. Therefore, this Writ Petition is devoid of merits.

4. In the result, this Writ Petition is dismissed. However, the second respondent is directed to serve the copy of the award to the petitioner, if not already served. On receipt of the same, the petitioner is at liberty to file an appeal under Section 9 of the Act on condition that the petitioner shall fulfil the limitation for filing an appeal. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Perambalur, Perambalur District.
2. The Special Tahsildar,
Adi Dravidar Welfare Department,
Perambalur District.
3. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai - 600 009.
4. The Director of Adi Dravidar and Tribal Welfare Department,
Directorate of Adi Dravidar and Welfare Department,
Chepauk, Chennai - 600 005.
5. The District Adi Dravidar and Tribal Welfare Officer,
Perambalur, Perambalur District.
6. The Chief Secretary,
Government of Tamil Nadu,
Fort St. George, Chennai.

+lcc to M/s.R.Murali, Advocate, S.R.No.44833

+lcc to the Government Pleader, S.R.No.45239

W.P.No.33004 of 2017

BP(CO)

RGA(27/10/2021)