



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR

W.P. No. 13731 of 2017

Ramachandran

... Petitioner

-vs-

1. The District Collector,
Dharmapuri District,
Dharmapuri.

2. The Special Tahsildar,
Land Acquisition,
Department of Adi Dravidar Welfare,
Harur Taluk, Dharmapuri District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus directing the respondents to issue Land Priority Certificate in favour of the petitioner's son namely R.Sathishkumar for the acquisition of his land for the purpose of construction of houses to the people belong to Adi Dravidar Community.

For Petitioner : Mr.A.Nagarathinam

For Respondents : Mr.N.Inbanathan

Additional Government Pleader

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the respondents to issue Land Priority Certificate in favour of the petitioner's son namely R.Sathishkumar for the acquisition of his land for the purpose of construction of houses to the people belong to Adi Dravidar Community.

2. The petitioner's land at S. Nos.86/1, 87/3A, 87/3B, 91/2A, 1, 91/3A to the extent of 29 cents in Sikkalur Village, Dharmapuri District was acquired sometime in 1993 and 1994 for a public purpose (construction of houses to the Adi-Dravidar people). For the said acquisition, normally, the Land Acquisition Priority Certificate would be given by the Revenue Authorities who have acquired the land for the purpose of utilizing the same by the persons whose land is acquired or the legal heirs of the persons, from whom, the land is acquired for



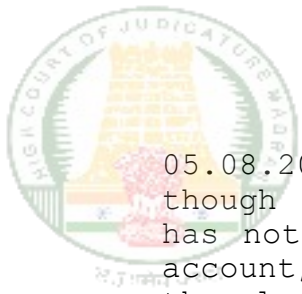
employment opportunity. Therefore, in order to get such a Priority Certificate for the purpose of employment opportunity, in lieu of the land of the petitioner having been acquired in the year 1993 and 1994 as stated supra, the petitioner has given a representation on 05.08.2015 to the second respondent to issue such a Land Acquisition Priority Certificate, however, the said request since has not been considered, the petitioner has approached this Court by filing the present Writ Petition.

3. Reiterating the aforesaid facts, Mr.A.Nagarathinam, learned counsel appearing for the petitioner, would submit that, the land of the petitioner was acquired for a public purpose long back, immediately the Priority Certificate of Land Acquisition ought to have been given to the petitioner, since it could be utilized by the legal heirs of the petitioner in public employment opportunity, where, such kind of priority is provided. In this regard, the Government has already issued a necessary Government Order especially in G.O.Ms.No.188, Personnel and Administrative Reforms (Per.P) Department dated 28.12.1976. Therefore, in order to get such a Priority Certificate of Land Acquisition, though the petitioner has given a representation on 05.08.2015, the same since has not been considered, he had approached this Court by filing this Writ Petition. Therefore, the petitioner's counsel seeks indulgence of this Court to give a suitable direction to the respondents, especially the second respondent.

4. Heard Mr.N.Inbanathan, learned Additional Government Pleader appearing for the respondents, who would submit that, for the land having been acquired by the Government for public purpose as claimed by the petitioner, necessary Priority Certificate of Land Acquisition category would be given by the second respondent as per the procedure which are in vogue and in this regard, the request made by the petitioner dated 05.08.2015 would be considered and accordingly, the needful as indicated above shall be undertaken by the second respondent within a time frame that may be stipulated by this Court.

5. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6. Since the petitioner's land admittedly have been acquired for public purpose and for such acquiring of the land, all that the petitioner wants is to give a Priority Certificate which could very well be utilized by the petitioner or his legal heirs for getting an employment opportunity in public employment, as for such employment opportunities, priorities are given to the land acquisition category people and therefore, in order to get the certificate, the petitioner already represented on



05.08.2015 to the second respondent, however, the said request though ought to have been considered, since the same admittedly has not been considered. In these circumstances, by taking into account, the stand now taken by the respondents as projected by the learned Additional Government Pleader appearing for the respondents, this Court is inclined to dispose of this Writ Petition with the following orders:

"That there shall be a direction to the second respondent to consider the request of the petitioner dated 05.08.2015 and accordingly, pass necessary orders thereon for granting Land Acquisition Priority Certificate in a prescribed format enabling the petitioner or his legal heirs for utilizing the same for the purpose of public employment on priority basis and the needful as indicated above shall be undertaken by the second respondent within a period of eight weeks from the date of receipt of a copy of this order."

7. With these directions, this Writ Petition is disposed of. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vji

To

1. The District Collector,
Dharmapuri District,
Dharmapuri.
2. The Special Tahsildar,
Land Acquisition,
Department of Adi Dravidar Welfare,
Harur Taluk, Dharmapuri District.

+1cc to Mr.A.Nagarathinam, Advocate, S.R.No.24886
+1cc to the Government Pleader, S.R.No.24991

W.P. No. 13731 of 2017

JPL(CO)
SU(14/07/2021)