



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 05.02.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P. (MD)No.1956 of 2021

and

W.M.P. (MD)No.1674 of 2021

WEB COPY

S.Manickam

... Petitioner

- Vs -

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

3.The Special Tahsildar,
Adhi Dravida Welfare,
Sivagangai,
Sivagangai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorari to call for the records relating to the impugned order in Na.Ka.No.A/314/2020, dated 20.01.2021 by the third respondent and quash the same as illegal.

For Petitioner : Mr.T.Kumar

For Respondents : Mr.K.P.Krishnadoss
Special Government Pleader

ORDER

In this Writ Petition what is challenged is the proceedings of the third respondent, dated 20.01.2021, inviting objections from the persons concerned as to why the notified extent of lands cannot be acquired for laying pathway and providing access to the Adi-dravidar neighbourhood under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978. Aggrieved by the notice, the petitioner is before this Court.

2.According to the petitioner, there are other lands available including Government poramboke and other barren lands and the roads can be laid in those lands instead of acquiring the property



belonging to the petitioner. Therefore, according to him, the acquisition notice issued under Rule 3(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, is illegal.

3.This Court is unable to appreciate as to how the petitioner is first of all aggrieved by the notice inviting his objections to the acquisition proceedings. Instead of appearing before the acquisition authority, namely, the third respondent and submit his objections, the petitioner has straight away invoked the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.

4.It is incumbent upon the petitioner to approach the authority concerned and give his objections and impress upon the authority as to availability of the alternative lands for laying the road for the purpose of providing access to the Thalit neighbourhood under the Harijan Welfare Scheme but without resorting to that simple procedure, the petitioner has needlessly rushed to this Court. Unless or until the authorities are put on notice about the objections of the petitioner and only thereupon any adverse order is issued, it is open to the petitioner to invoke the writ jurisdiction of this Court. Therefore, this Court is of the considered view that the present Writ Petition appears to be too premature and also does not disclose any cause of action for it to be entertained.

5.For the above said reasons, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

SRM

To

1.The District Collector,
Sivagangai District,
Sivagangai.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Revenue Divisional Officer,
Sivagangai District,
Sivagangai.

3.The Special Tahsildar,
Adhi Dravida Welfare,
Sivagangai,
Sivagangai District.

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