



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.06.2021

CORAM:

WEB COPY

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD).No.9242 of 2014
and M.P.(MD).No.2 of 2014

- 1.Arumugam
- 2.M.Muthumari
- 3.E.Murugan
- 4.P.Pandian
- 5.V.Sakthivel
- 6.K.Irulappan
- 7.E.Iyyanar
- 8.P.Rathinam
- 9.S.Ayyanar
- 10.Chellathurai
- 11.M.Pandiyammal
- 12.Ayyanar
- 13.Palanisami
- 14.P.Ayyadurai
- 15.M.Raman
- 16.A.Ramakrishnan
- 17.A.Karuppaiah
- 18.S.Kasthuri
- 19.K.Kadarkarai
- 20.M.Balakrishnan

... Petitioners

Vs.

1.The District Collector,
Virudhunagar District.

2.The Special Tahsildar,
Adi Dravidar Welfare,
Srivilliputhur,
Virudhunagar District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, directing the respondents to consider and pass orders on the representation of the petitioners, dated 16.08.2013, for allotting house sites to the petitioners as per the proceedings of the second respondent in proceedings No. Na.Ka. A1/261/97 dated 12.08.2001 and as per the submission made to this court.

For Petitioners : Mr.R.Govindaraj

For Respondents : Mr.M.Lingadurai



Government Advocate

ORDER

(Heard through video conference)

This Writ petition has been filed for the issue of Writ of Mandamus directing the respondents to consider the individual representations made by the petitioners, wherein, the petitioners have sought for allotment of house sites as per the proceedings of the second respondent, dated 12.08.2001.

2.The case of the petitioners is that proceedings were initiated by the second respondent under the Tamil Nadu Land Acquisition Harijan Welfare Act, 31 of 1978 (herein after called as 'The Act'). The proceedings were initiated in the year 1999 and the 4(1) Notification was published after considering the objections in the District Gazette on 14.09.2000. It is the further case of the petitioner that the award was also passed in the year 2001. Thereafter, beneficiaries were identified from the Adi Drawidar Community and were issued with free house site pattas on 12.08.2001.

3.One of the petitioner earlier approached this Court and filed W.P. (MD).No.6736 of 2008, seeking for the allotment of the land, for which, the patta was issued. This Court passed a final order in this writ petition on 10.06.2010. The relevant portions in the order are extracted here under:

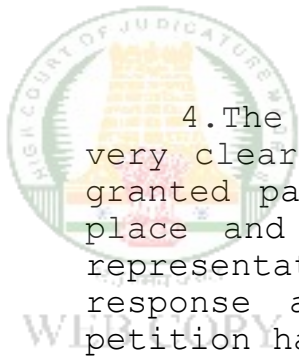
"3.On the basis of the instructions furnished by the Special Tahsildar, Adi - Dravidar Welfare, Mr.Pala. Ramasamy, learned Special Government Pleader submitted that after following the procedure contemplated under the Tamil Nadu Land Acquisition Harijan Welfare Act 31/1978, the Special Tahsildar (ADW), Srivilliputhur passed an award No.7/2000-2001, dated 08.03.2001. Aggrieved by the same, the land owners filed writ petitions in W.P.Nos.10418 and 10419 of 2001. He further submitted that interim stay of dispossession alone was granted in W.P.M.P.Nos.15021 and 15022 of 2001 in W.P.Nos.10418 and 10419 of 2001 respectively and therefore, notices were sent to the land owners for receiving the compensation. As the land owners did not turn up, the amount was deposited in Sub-Court, Srivilliputhur. House site pattas were also issued by the Special Tahsildar (ADW), Srivilliputhur to certain beneficiaries. He also submitted that this Court, after considering the rival submissions made in the above Writ petitions, set aside the entire acquisition proceedings, giving liberty to the respondents to



take proceedings afresh, if necessary. As the proceedings were quashed by this Court, the house site pattas given to the Adi - Dravidars by the Special Tahsildar (ADW) on 12.08.2001 could not be given effect, by demarcating the lands and therefore, the installation of the survey stones were also not done by the revenue authorities. The learned Special Government Pleader further submitted that fresh acquisition proceedings were initiated by the Special Tahsildar (ADW), Srivilliputhur and notices under Section 3(1) were issued on 08.11.2001 for an enquiry under Section 4(2) of the said Act. He also submitted that after getting necessary instructions from the District Collector, Virudhunagar, arrangements would be made for acquisition of the land. Therefore, he prayed for the dismissal of the Writ petition.

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5.Pleadings disclose that the Director Collector, Virudhunagar has determined to acquire 0.44.0 hectares of land in Survey Nos.1474/1A, 1474/1B, 1474/1C, 1474/2A2, 1474/2B1 and 1474/2C1 for the purpose of providing house site pattas to landless adi Dravidas and after providing reasonable opportunity, the Special Tahsildar (ADW), Srivilliputhur has also passed an award No.7/2000-2001 on 08.03.2001. Thereafter notices have been issued to the land owners to receive compensation and since they did not respond, the competent authority has deposited the amount due to them in Sub-Court, Srivilliputhur, Pleadings and submissions disclose that when the legality of the acquisition proceedings was challenged in respect of the lands in the above mentioned survey Numbers in W.P.Nos.10418 and 10419 of 2001, a learned single Judge, after perusing the files has observed that the respondents therein had not followed the procedure contemplated under the Tamil Nadu Land Acquisition Harijan Welfare Act and the Rules framed thereunder and accordingly, quashed the entire acquisition proceedings giving liberty to the authorities to take proceedings afresh, if it is necessary. In this context, paragraphs 2 and 3 of the common order in W.P.Nos.10418 and 10419 of 2001 are extracted hereunder:

"2..... From the file, I am able to see that notice in Form I was given to the concern



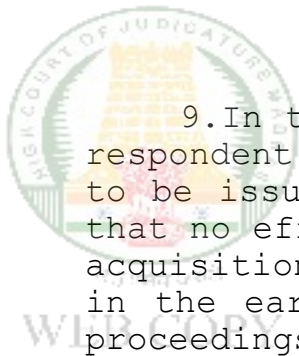
4.The grievance of the petitioners is that in spite of taking a very clear stand before this Court that the beneficiaries who were granted patta will be allotted lands, no further development took place and no lands were allotted. Hence, the petitioners made representations to the respondents. The same did not evoke any response and left with no other alternative, the present writ petition has been filed before this Court.

5.The second respondent has filed a counter affidavit in this case. A specific stand has been taken by the second respondent to the effect that pursuant to the earlier orders passed by this Court in W.P.(MD).No.6736 of 2008, the petitioners cannot seek for the allotment of lands in line with the proceedings of the second respondent, dated 12.08.2001. Along with the counter affidavit, typed set has also been filed, which shows that the original owners whose lands were acquired have been informed that patta will be granted in their favour. This was done through the proceedings of the first respondent, dated 20.03.2014. In view of the same, the second respondent has taken a stand that the petitioners are not entitled for the relief claimed by them.

6.Heard Mr.R.Govindaraj, learned counsel appearing for the petitioner and Mr.M.Lingadurai, learned Government Advocate, appearing for the respondents.

7.The earlier order passed by this Court in W.P.(MD).No.6736 of 2008, dated 10.06.2010, virtually seals the chances of the petitioners from being allotted lands, for which, free house site pattas were given to them. This is in view of the fact that the acquisition proceedings itself came to be quashed and hence the lands will restore back to the original owners and therefore, there is no question of allotting the same lands to the petitioners. In other words, the free house site pattas automatically gets cancelled by virtue of the quashing of the acquisition proceedings. Therefore, the petitioners are not entitled to make a claim for the allotment of house sites under the proceedings of the second respondent, dated 12.08.2001.

8.The learned counsel for the petitioner specifically drew the attention of this Court to the earlier order passed by this Court. The learned counsel pointed out paragraph 3 in the said order, wherein, this Court has recorded the stand taken by the respondents. A specific stand was taken to the effect that fresh acquisition proceedings were initiated by the second respondent and notices were also issued under Section 3(1) of the Act, on 18.11.2001. The learned counsel submitted that the counter affidavit filed by the second respondent is completely silent as to what happened after fresh proceedings were initiated.



9. In the considered view of this Court, the fact that the first respondent through proceedings, dated 20.03.2014, has directed patta to be issued to the original owners of the property, clearly shows that no effective steps were taken to proceed further with the fresh acquisition proceedings. Therefore, even though a stand was taken in the earlier writ petition to the effect that fresh acquisition proceedings are initiated, it has not been taken to its logical conclusion and it is very clear that it has been stopped mid way. The same is evident from the subsequent proceedings of the first respondent, dated 20.03.2014.

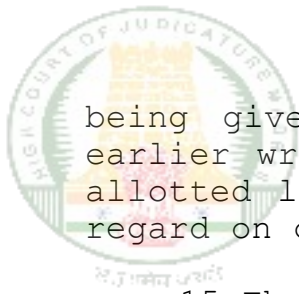
10. The learned counsel for the petitioner also brought to the notice of this Court, the specific stand taken by the respondents to the effect that the beneficiaries will be allotted lands. To substantiate this submission, the learned counsel brought to the notice of this Court paragraph No.7 of the order.

11. The learned counsel submitted that even though the petitioners are held to be not entitled for allotment of house sites, for which, they were given free house site pattas in the year 2001, the representations made by the petitioners must be considered and they should be allotted lands elsewhere, wherever it is available. The learned counsel submitted that the petitioners cannot be left in lurch after being promised that they will be allotted lands.

12. The learned Government counsel in reply to the said submission stated that it is not known under what circumstances, the special Government Pleader had made such statement before the Court as if the beneficiaries will be allotted lands. The learned Government counsel submitted that the petitioners are not entitled for allotment of the lands in view of the fact that the acquisition proceedings itself came to be quashed by this Court.

13. In the considered view of this Court, the petitioners will not be entitled for the allotment of lands / house sites with respect to the lands, which were acquired and which was subsequently quashed by this Court. However, in view of a stand that was taken by the Special Government Pleader before this Court and which was also placed on record by this Court in the earlier order passed in W.P. (MD).No.6736 of 2008, the respondents will have to consider the representations and ascertain as to whether the petitioners can be allotted lands elsewhere. To that extent the representations made by the petitioners can be considered.

14. In view of the above discussion, there shall be a direction to the first respondent to consider the representations made by the petitioners, on 16.08.2013 and ascertain as to whether the petitioners can be allotted lands at some other place after the entitlement of the petitioners. This direction is



being given in view of a stand taken before this Court in the earlier writ petition to the effect that the beneficiaries will be allotted lands. The first respondent shall take a decision in this regard on or before 31.12.2021.

15.The petitioners are directed to make a fresh representation to the first respondent along with all the relevant documents and also a copy of this order.

16.This writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CSI)

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/ /2021

Sub Assistant Registrar(CS)

TM

To

1.The District Collector, Virudhunagar District.

2.The Special Tahsildar, Adi Dravidar Welfare,
Srivilliputhur, Virudhunagar District.

+1 CC to M/s.SPL GP (SR-19506[F] dated 17/06/2021)

W.P. (MD) .No.9242 of 2014

15.06.2021

GS (25.06.2021) 7P 4C