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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.1629 of 2022

P.Kaliaperumal

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep. by its Commissioner and Secretary,  
Harison Welfare (Adi Dravidar Welfare),  
Fort St.George,  
Chennai-600 009.

2.The District Collector,  
Ariyalur District.

3.The Special Tahsildar,  
Adhi Dravida Welfare/Land Acquisition,  
Udayarpalayam,  
Ariyalur District-621 804.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to consider and pass order on his representation dated 22.02.2021 in the light of G.O.No.257, dated 15.02.1983 and G.O.No.2078, dated 27.12.1984 which is seeking re-convey of the acquired lands in Survey No.204/4 at Irugaiyur Village, Udayarpalayam Talulk, Ariyalur District, measuring about 41 cents to us.

For Petitioner : Mr.R.Sethuvarayar

For Respondents : Mr.G.Krishna Raja  
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus, directing the first respondent to consider and pass order on his representation dated 22.02.2021 in the light of G.O.No.257, dated 15.02.1983 and G.O.No.2078, dated



27.12.1984 which is seeking re-conveyance of the acquired lands in Survey No.204/4 at Irugaiyur Village, Udayarpalayam Taluk, Ariyalur District, measuring about 41 cents to us.

2. The case of the petitioner is that the petitioner's land was acquired under Land Acquisition Act 1894. Earlier, the petitioner filed a writ petition before this Court challenging the Section 5-A notice in W.P.No.36296 of 2003. This Court by its order dated 24.07.2019 dismissed the writ petition on the ground that without challenging under Section 4(1) notification and 6 declaration, challenging the 5(A) notification is not sustainable. While, dismissing the writ petition this Court has given liberty to the petitioner to file appropriate application in the manner known to law. In terms of the aforesaid order the petitioner has made an application on 22.02.2021 for re conveyance of the land to the petitioner. The petitioner is a harijan and the land was acquired for the purpose of harijan welfare before the state enactment Harijan Welfare Act came into force.

3. The learned counsel appearing for the petitioner submitted that this Court may issue a direction to the respondents to consider the petitioner's representation dated 22.02.2021 within a time frame fixed by this Court.

4. The learned Additional Government Pleader appearing on behalf of the respondents submitted that though the petitioner made a representation on 22.02.2021 to the District Collector and to the Special Tahsildar however, he has not made any application before the first respondent, who is the competent authority to pass orders for re conveyance. Therefore, the petitioner may be directed to file representation before the first respondent which will be considered within the time frame fixed by this Court.

5. Considering the facts and circumstances admittedly, the petitioner has not made any representation for re conveyance before the first respondent and he has only made application only before the District Collector and to the Special Tahsildar who are not competent to pass orders.

6. In view of the above, without expressing any opinion on merits of the case, this Court grants permission to the petitioner to make application before the first respondent under the relevant provisions within a period of four weeks from the date of receipt of a copy of this order and if such application is filed, the respondent is directed to pass orders on the application on merits and in accordance with law, within a period



of eight weeks thereafter.

7. With the above directions, this Writ Petition is disposed of. No costs.

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Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

Psa/Anu

To

1.The Commissioner and Secretary,  
The State of Tamil Nadu,  
Harison Welfare (Adi Dravidar Welfare),  
Fort St.George,  
Chennai-600 009.

2.The District Collector,  
Ariyalur District.

3.The Special Tahsildar,  
Adhi Dravida Welfare/Land Acquisition,  
Udayarpalayam,  
Ariyalur District-621 804.

+1cc to Mr.R.Sethuvarayar, Advocate SR.No.8948  
+1cc to the Government Pleader, SR.No.9514

W.P. No.1629 of 2022

GPL (CO)  
CB(03/03/2022)