



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 22.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.16738 of 2015

1. Kulandaivel
2. T.Venkatachalapathy
3. A.Rathinambal
4. Poonghodi
5. Amutha ... Petitioners

Vs

1. The District Collector
Cuddalore District
Cuddalore.
2. The Special Tahsildar
Harijan Welfare
Cuddalore District.
3. Government of Tamil Nadu, rep
by its Secretary,
Adi Dravidar and Harijan Welfare,
Department, Fort.St.George,
Chennai600 009. ... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus or any other appropriate writ, order, or direction in the nature of a Writ, directing the Respondents to release the cultivable lands comprised in Survey No.115/5B, 115/3A, 3/8 and 3/6 in Palayam Village, Thittakudi Taluk, Cuddalore District covered under the notification dated 15.12.2000 issued under section 4(1) the Tamil Nadu Acquisition of Lands for Harijan Welfare Scheme Act, 1978 following the representation of the petitioners dated 19.04.2013.

For Petitioner ... M/s. S. Sadasharam

For Respondents ... Mr. M. Murali,
Government Advocate for R1 to R3



O R D E R

The present petition has been filed seeking a direction to the Respondents herein to consider the petitioners' representation dated 19.04.2013 made for releasing the subject lands covered under Section 4(1) of the Tamil Nadu Acquisition of Lands for Harijan Welfare Scheme Act, 1978.

2. It is the case of the petitioners that they have filed a Writ Petition before this Court in W.P.No.3077 of 2001 challenging the notification of the 1st Respondent herein, issued under Section 4(1) of the Tamil Nadu acquisition of Lands for Harijan Welfare Scheme Act, 1978, however, the same was dismissed, against which a Writ Appeal in W.A.No.1745 of 2002, however, the same was dismissed. Challenging the said order, the petitioners preferred the SLP in SLP(CC).No.1611 of 2008 before the Hon'ble Apex Court and the same was also dismissed, against which, the petitioners filed a Review Application, however, said application was also dismissed. Aggrieved by the same, the petitioners have come up with the present petition seeking the aforesaid relief.

3. Learned counsel for the petitioner submits that the lands have not been utilized for the purpose for which it was acquired and the scheme under which the lands were sought to be acquired is not in force as on today, therefore, the Land Acquisition Proceedings in respect of the subject lands are ought to be dropped. Hence, it would suffice, if this Court, issues a direction to the Respondents herein to release the land by considering the petitioners' representation dated 19.04.2013.

4. Learned Government Advocate appearing for the Respondents submits that the subject lands were acquired under Section 4(1) of the Tamil Nadu Acquisition of Lands for Harijan Welfare Scheme Act, 1978 for providing house sites patta to Harijans in the village and the said lands have not been utilized for any other purpose than the one for which it was acquired. The lands in question have been vested with the Government and it is within the domain of the Government to decide as to when the lands are to be utilized for the purpose for which it was acquired. Further, the petitioner has also received the compensation and his challenge to the Acquisition proceedings have also reached finality and therefore, the present Writ Petition before this Court seeking the release of the acquired lands is not sustainable. Hence, the present petition is liable to be dismissed.

5. Having heard the learned counsel on the either side and in view of the fact that the petitions which were filed against the Land Acquisition Proceedings were dismissed and the lands



having not been utilized for any other purpose other than the purpose for which it was acquired and further the petitioner has also been paid the compensation for the said lands, which is not disputed, this Court is of the opinion that once the lands are acquired under the Act, it is within the purview of the Government to decide about the effective utilization of the lands acquired. Further, it is not the case of the petitioner that the lands acquired are ought to be utilized by the Government for some other purpose. Therefore, the prayer sought for in this Writ Petition cannot be acceded to. Hence, the present petition deserves to be dismissed.

6. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

NHS
To

1. The District Collector
Cuddalore District
Cuddalore.
2. The Special Tahsildar
Harijan Welfare
Cuddalore District.
3. The Secretary,
Government of Tamil Nadu,
Adi Dravidar and Harijan Welfare,
Department, Fort.St.George,
Chennai600 009.

+1 cc to Mr.S. Sadasharam, Advocate Sr.NO. 27609
+1 cc to Government Pleader Sr.NO. 28399

W.P.No.16738 of 2015

SR(CO)
A.SK(31/05/2022)