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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2022

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos. 29980, 29981 of 2013 and W.P.No.9888 of 2019
and M.P.Nos.1, 1 of 2013

W.P.No.29980 of 2013:-

1. R.Kandasamy
2. R.Rathinam ... Petitioners

-Vs-

1.The Secretary to Government,
Department of Adi Dravidar Welfare,
Government of Tamil Nadu,
Fort St George, Chennai - 9.
2.The District Collector,
Perambalur District.
3.The Special Tahsildar,
Adi Dravidar Welfare,
Perambalur. ... Respondents

W.P.No.29981 of 2013:-

1. P.Cholapandi
2. P.Rathinavel
3. Gengachalam
4. V.Amirdham (Died)
5. Adhimoolam
6. Selvam
7. Vadivel
8. Subramaniam
9. Venkatachalam
10.Rajagopal
11.Boomadevi
12.Boomika (Minor Aged about 17 years)
D/o. Pappathi
Represented by its Guardian S.Vadivel
(P7 to P12 are substituted as
LRs of Late V.Amirdham, 4th petitioner,
vide order dated 03.01.2022
made in W.M.P.No.26592 of 2021
in W.P.No.29981 of 2013) ... Petitioners

-Vs-



1.The Secretary to Government,
Department of Adi Dravidar Welfare,
Government of Tamil Nadu,
Fort St George, Chennai - 9.

2.The District Collector,
Perambalur District.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Perambalur.

... Respondents

W.P.No.9888 of 2019:-

1.P.Tamizhselvan

... Petitioner

-Vs-

1.The Government of Tamil Nadu,
Represented by its Secretary,
Adidraavidar and Tribal Welfare Department,
Fort St.George, Chennai.

2.The District Collector,
Perambalur District,
Perambalur.

3.The Special Tahsildar,
Adidraavidar Welfare,
Sub Collector Office campus,
Athur Main Road, Perambalur.

... Respondents

Prayer in W.P.No.29980 of 2013 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents or their men or anyone claiming under them from dealing with or acquiring the petitioners lands situated in Survey Nos.99/2A, 99/4B, 99/8B to an extent of 1.99 acres in Vylapadi Village, Kunnam Taluk, Perambalur District in any manner except under due process of law.

Prayer in W.P.No.29981 of 2013 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, forbearing the respondents or their men or anyone claiming under them from dealing with or acquiring the petitioners lands situated in Survey Nos.99/2C, 99/3A1, 99/3B1 and 99/5 to an extent of 1.00 acres in Vylapadi Village, Kunnam Taluk, Perambalur District in any manner except under due process of law.



Prayer in W.P.No.9888 of 2019 :- Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to allot the acquired lands at Vayalapadi Village, Kunnam Taluk, Perambalur District to landless adidraavidars as sought vide representation dated 14.08.2018 by the petitioner.

For W.P.Nos.29980 and 29981 of 2013

For Petitioners : Dr. A.Thiyagarajan, Senior Counsel
For Mr.S.Ramesh Kumar

For Respondents : Mr.M.Muthusamy
Government Advocate.

For W.P.No.9888 of 2019

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader

COMMON ORDER

The writ petitions in W.P.Nos.29980 and 29981 of 2013, have been filed forbearing the respondents from dealing with or acquiring the properties in Survey Nos.99/2A, 99/4B, 99/8B to an extent of 1.99 acres and in Survey Nos.99/2C, 99/3A1, 99/3B1 and 99/5 to an extent of 1.00 acres situated at Vylapadi Village, Kunnam Taluk, Perambalur District in any manner except under due process of law.

2. Heard both sides.

3. Dr. A.Thiyagarajan, the learned Senior Counsel submitted that they made a representation on 08.10.2013 and it is pending for consideration on the file of the third respondent and it may be considered by the third respondent in accordance with law.

4. Considering the above submissions, the representation, dated 08.10.2013 may not be available on the file of the third respondent due to lapse of nine years. Therefore, the petitioners in W.P.Nos.29980 and 29981 of 2013, are directed to submit a fresh representation before the third respondent. On receipt of the same, the third respondent is directed to conduct an enquiry, after giving an opportunity of hearing to the petitioners and counter parties if any and pass orders on merits and in accordance with law, within a period of eight weeks thereafter.

5. Insofar as the writ petition in W.P.No.9888 of 2019 is concerned, the petitioner sought for direction, directing



the respondents to allot the acquired lands at Vayalapadi Village, Kunnam Taluk, Perambalur District, to landless adidraavidars as per the petitioner's representation, dated 14.08.2018.

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6. According to the petitioner in W.P.No.9888 of 2019, already the third respondent had acquired the lands totally 6 acres and 40 cents in Survey Nos.99/1A, 1B, 1C, 2A, 2C, 2D, 2E, 3A1, 3A2, 3A3, 3A4, 3B, 4D, 5D, 6A, 6B, 7D, 8A, 8B, 10D1A, 12B situated at Vayalapadi Village, Kunnam Taluk, Perambalur District for the welfare of Adidraavidas.

7. Though the land owners of those lands challenged the acquisition proceedings before this Court and the same was dismissed and confirmed in the writ appeal. However, the lands comprised in the other writ petitions in W.P.Nos.29980 and 29981 of 2013, are the lands to access the acquired lands. Because of the pendency of both the writ petitions in W.P.Nos.29980 and 29981 of 2013, the third respondent could not be able to proceed further.

8. Considering the above and in view of the order passed in W.P.Nos.29980 and 29981 of 2013, the third respondent is directed to issue notice to the petitioner in W.P.No.9888 of 2019 also while conducting enquiry as directed by this Court in W.P.Nos.29980 and 29981 of 2013 and after giving an opportunity of hearing to the petitioner in W.P.No.9888 of 2019, pass orders on merits and in accordance with law.

9. With the above directions, all the writ petitions are disposed of. Consequently, connected Miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Department of Adi Dravidar Welfare,
Government of Tamil Nadu,
Fort St George, Chennai - 9.



2. The District Collector,
Perambalur District.

3. The Special Tahsildar,
Adi Dravidar Welfare,
Athur Main Road,
Perambalur.

+lcc to Mr.N.A.Nissar Ahmed, Advocate SR. No.105
+lcc to Mr.S.Ramesh Kumar, Advocate SR. No. 167
+lcc to Government Pleader SR. No. 640

W.P.Nos. 29980, 29981 of 2013 and W.P.No.9888 of 2019
and M.P.Nos.1, 1 of 2013

KSM (CO)
PR (28/03/2022)