



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 25.03.2022
CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No.6919 of 2022
and
W.M.P.No.6957 of 2022

1.Mahaboobjohn
2.Ayub

... Petitioners

Vs.

1.The Secretary,
Backward Caste, Most Backward Caste
& Minorities Welfare,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Commissioner of Land Administration,
Office of the Land Administration Department,
Chepauk, Chennai - 600 005.

3.The District Collector,
Office of the District Collector,
Dharmapuri - 636 705.

4.District Backward Caste, Most Backward
Caste & Minorities Welfare Officer,
Dharmapuri.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass orders on the recommendations made by the 3rd respondent in Na.Ka.No.106800/97(ஓய் 8) dated 06.03.2010, Thiruvallur year 2041 ஸாதி 22-ஹ; in respect of petitioner's land comprised in Survey No.583/A1D2 in Erranahalli Village, Palcode Taluk, Dharmapuri District measuring about 39 Ares or 96.5 cents within the time stipulated by this Court.

For Petitioners : M/S.A.R.Balaji

For Respondents : Mr.P.Sathish
Additional Government Pleader



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the first respondent to pass orders on the recommendations made by the third respondent in Na.Ka.No.106800/97 (ஆய்வு 8), dated 06.03.2010, Thiruvallur year 2041 ஸ்ரீ 22-ம்; in respect of the petitioner's land comprised in Survey No.583/A1D2 in Erranahalli Village, Palcode Taluk, Dharmapuri District, measuring about 39 Ares or 96.5 cents within the time stipulated by this Court.

2. The case of the petitioners is that they are the absolute owners of the aforesaid property, by virtue of registered Partition Deed vide Doc.No.1257/1960, Sub-Registrar Office, Palacode in favour of the petitioners' father. After the demise of petitioners' father, the said property devolved to the petitioners and Patta was also issued in their names. While so, the Special Tahsildar, Dharmapuri had acquired the aforesaid land by issuing Notification under Section 4(1) of the Land Acquisition Act on 26.12.1997 for public purpose of assignment of said lands to the Muslim Community People, against which, the land owners have made serious objections under Section 5A of the Act, however, the Competent Authority, without considering the objections, had issued declaration under Section 6 of the Act. Thereafter, the land owners have challenged the acquisition proceedings by way of filing a Writ Petition in W.P.No.10228 of 1998 before this Court and the same was dismissed by order dated 12.12.2006.

2.1. It is pertinent to note that, though the subject land was acquired in the year 1997, they were not used for the intended public purpose for which it was acquired. Therefore, the petitioners, along with other land owners, have made representations to the fourth respondent for dropping of land acquisition proceedings, primarily on the ground that the acquired land had not been utilized for public purpose. Further, the fourth respondent, by proceedings dated 03.08.2016, intimated that the District Collector, Dharmapuri by proposal dated 06.03.2010 addressed the Secretary, Backward Caste, Most Backward Caste and Minorities Welfare Department and Commissioner of Land Administration, Chennai, for dropping of the entire land acquisition proceedings for the reason that the purpose for which the said land acquisition was made, has lost its significance. Thereafter, the Revenue Officials made an inspection in the said land, in order to give Patta lands to the landless poor Muslim Community people in the locality. However, there are no landless Muslim Community people in the said



locality and the Muslim Community people have already owned their Patta lands. Therefore, the third respondent made recommendation to the first respondent for dropping of the entire land acquisition proceedings and to re-convey the lands to the petitioners. As the said recommendation has been invoked by the third respondent, the first respondent has not passed any orders for dropping the acquisition proceedings. Thereafter, the petitioners made RTI Applications under the provisions of the Right to Information Act on 25.04.2019 and 10.04.2019 to the fourth respondent, and in reply, the fourth respondent has stated that the proposal forwarded to the Secretary to Government is still pending for consideration. Therefore, the petitioners have again made representation dated 16.02.2022 before the respondents to re-convey or return the unutilised acquired land. However, till date, no orders have been passed. Hence, the petitioners have filed the present Writ Petition for the relief stated supra.

3. The learned counsel for the petitioners submitted that, it would suffice, if this Court, issues direction to the first respondent to pass orders on the recommendation dated 06.03.2010 made by the third respondent within a time frame that may be fixed by this Court.

4. The learned Additional Government Pleader appearing for the respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the first respondent to consider the petitioners' representation dated 16.02.2022 and pass appropriate orders on the said recommendation made by the third respondent, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR



jd/skt

To

WEB COPY

- 1.The Secretary,
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& Minorities Welfare,
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- 4.District Backward Cast, Most Backward
Caste & Minorities Welfare Officer,
Dharmapuri.

+2cc to Mr.S.Santhosh, Advocate Sr.20184
+1cc to the Government Pleader Sr.20647

W.P. No.6919 of 2022
and
W.M.P.No.6957 of 2022

gplc[o]
srgm 29/04/2022