

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.8742 of 2022

and

W.M.P.No.8651 of 2022

K.Mohanasundaram

... Petitioner

Vs.

1.The State of Tamil Nadu
rep.by the Commissioner,
and Secretary, Social Welfare Department,
Chennai 600 009.

2.The Special Tahsildar and
Land Acquisition Officer,
(ADIDRAVIDA) Salem.

3.The District Collector,
Salem.

... Respondents

PRAYER: This Writ Petition filed under Section 226 of Constitution of India, pleased to issue a Writ of Mandamus directing the respondents to return the unutilised land of the petitioner in S.No.116/4B, 0.02 cents and in S.No.116/5B-0.03 cents, totalling 0.05 cents in Kolingipatti, Nellikalpatti Village, Salem Taluk and District in terms of section 101 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30/2013).

For Petitioner : Mr.R.Vasudevan

For Respondents : Mr.V.Veluchamy,
Additional Government Pleader

Order

This petition has been filed for issuance of writ of Mandamus to direct the respondents to return the unutilised land of the petitioner in S.No.116/4B, 0.02 cents and in

S.No.116/5B-0.03 cents, totalling 0.05 cents in Kolingipatti, Nellikalpatti Village, Salem Taluk and District in terms of section 101 of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act 2013 (Act 30/2013).

2. The case of the petitioner is that the respondents 1 and 2 herein acquired 1.12 acres of Punja Lands in Nalikalpatti Village, Kolinghipatti, Salem Taluk and District, for the purpose of construction of house for poor Adi Dravida Harijans, in the year 1983, vide G.O.Ms.No.2440, Social Welfare Department, dated 28.09.1983, followed by Section 5A enquiry, in which the petitioner appeared and objected to the acquisition for acquiring his land and also filed W.P.No.14814 of 1988, to quash the said notification. Further in view of the stay in the Writ Petition till the disposal, the petitioner's land measuring a total extent of 0.05 cents could not be put in use for forming a road in the Harijan Colony and thereafter, the petitioner filed a petition under Section 48B of the Land Acquisition Act, 1894, to reconvey his lands, however no response is forthcoming. Hence the petitioner is constrained to approach this Court by filing this petition.

3. The learned counsel appearing for the petitioner submitted that the Land Acquisition Act, 1894 has been repealed and replaced by the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, wherein Section 101 provides for return of unutilized lands acquired under the Land Acquisition Act, to the owner. The learned counsel further submitted that in order to avail such benefit, this Court may permit the petitioner to make a fresh application for return of the unutilised land to the landlords within a stipulated time as fixed by this Court and further may direct the respondents to pass appropriate orders.

4. The learned Additional Government Pleader has no serious objections for the said order being passed and he submitted that if any such fresh application is received, the same will be considered in the manner known to law.

5. Considering the limited request sought for by the petitioner, this Court without going into the merits of the claim projected by the petitioner in the Writ Petition, permits the petitioner to make fresh representation before the appellate authority within a period of two weeks from the date of receipt of a copy of this order and if any such representation is received, the appropriate authority may pass orders as

expeditiously as possible.

6. This Writ Petition is disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Commissioner,
and Secretary, Social Welfare Department,
Chennai 600 009.

2.The Special Tahsildar and
Land Acquisition Officer,
(ADIDRAVIDA) Salem.

3.The District Collector,
Salem.

+1cc to Mr.R.Vasudevan, Advocate SR.No.25334
+1cc to the Government Pleader SR.No.25943

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MT(CO)
GN(04/05/2022)