

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 03.02.2022

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH

Sub Apln (OS) No.210 of 2021
in Contempt Petition D.No.9920 of 2021
in W.P.No.4995 of 2001

Balakrishnan,
Vanathirayanpattinam Village,
Udayarpalayam Taluk,
Ariyalur District

... Petitioner

Vs.

1.D.Rathna, I.A.S.
District Collector
Ariyalur Collectorate Office
Ariyalur District

2.Rahman
Special Tahsildar
Adi Dravidar Welfare
Collector Office
Ariyalur District

... Respondents

Prayer in Sub Apln. No.210 of 2021 : Petition filed under Section 151 CPC
praying to accept the cause title of Contempt Petition D.No.9920 of 2021.

Prayer in Contempt Petition D.No.9920 of 2021 : Contempt Petition filed under
Section 11 of the Contempt of Courts Act, 1971, to issue contempt proceedings
against the respondents herein and punish the respondents for their willful
disobedience of the order passed by this Court in W.P.No.4995 of 2001 dated
05.01.2017.

For petitioner : Mr.K.P.P.Raja Raja Chozhan
For Respondents : Mr.S.John J Raja Singh

ORDER

On 28.01.2022, this Court passed the following order in Sub Apln. No.210 of 2021, which was filed seeking to accept the cause title of Contempt Petition D.No.9920 of 2021.

"On 17.12.2021, this Court passed the following order :

“Challenging the acquisition of their lands under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, three persons viz., Balakrishnan, Murugesan and Boopathy filed W.P.Nos.4995 of 2001, 4996 of 2001 and 4997 of 2001, respectively, which were allowed by this Court (PNPJ) vide common order dated 05.01.2017. However, in the operative portion of the said order, this Court has held as follows :

“In the result, these writ petitions are allowed and the impugned notifications are hereby quashed. However, liberty is given to the authorities to proceed a fresh, if necessity to acquire, still subsists. No costs.”

The writ appeals preferred by the State in W.A.Nos.1855 to 1857 of 2018 were also dismissed by a Division Bench of this Court on 18.02.2019. Alleging that the authorities are not releasing his land, despite the order of this Court quashing the acquisition notification, Balakrishnan, the petitioner in W.P.No.4995 of 2001 has filed the instant contempt petition.

2. On notice, Mr.R.Anbuselvan, Special Tahsildar, Adi Dravidar Welfare, Udayarpalayam, Ariyalur District, is present before this Court today.

3. On instructions, Mr.S.John J Raja Singh, learned Additional Government Pleader, submitted that the authorities are not very clear, as to whether the entire land acquisition notification has been quashed or the acquisition *qua* the lands of the three petitioners in the writ

petition alone was quashed.

4. It is true that in the operative portion of the common order dated 05.01.2017 in W.P.Nos.4995 to 4997 of 2001, this Court has held that the notification has been quashed, which has given room to this doubt. This Court clarifies that the acquisition in respect of the writ petitioners alone viz., Balakrishnan, Murugesan and Bhoopathy, has been quashed and therefore, there cannot be any impediment for the revenue authorities to release their lands from the acquisition proceedings.

Post this matter on 28.01.2022 under the caption “for reporting compliance”.

2. Today, Mr.P.Velumani, Special Tahsildar (Adi Dravidar Welfare), Udayarpalayam, is present before this Court.

3. On instructions, Mr.S.John J Raja Singh, learned Additional Government Pleader submitted that the order dated 05.01.2017 in W.P.No.4995 to 4997 of 2001 has been complied with and pattas have been issued to Balakrishnan, Murugesan and Bhoopathy, by the proceedings of the Special Tahsildar (Adi Dravidar Welfare), Udayarpalayam in Na.Ka.No.A/963/1999 dated 24.01.2022.

4. Mr.S.John J Raja Singh submitted that he would serve a copy of the proceedings dated 24.01.2022 to the learned counsel for the petitioner immediately.

For further proceedings, post on 03.02.2022 at 04.00 p.m."

2. Today, when the matter was taken up for hearing, learned counsel for the petitioner submitted that pattas have been issued to Balakrishnan, Murugesan and Bhoopathy, who are petitioners in W.P.Nos.4995, 4996 and 4997 of 2001, respectively and their lands have been delinked from the acquisition proceedings.

In such view of the matter, this petition to accept the cause title stands closed. Accordingly, the Contempt Petition also rejected at the diary stage itself.

SD/-
ASSISTANT REGISTRAR(COMM.CASES)

gya

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/11/02/2022

To

1.The District Collector
Ariyalur Collectorate Office
Ariyalur District

2.The Special Tahsildar
Adi Dravidar Welfare
Collector Office
Ariyalur District