



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM :

THE HON'BLE MR.MUNISHWAR NATH BHANDARI, CHIEF JUSTICE

AND

THE HON'BLE MRS.JUSTICE N.MALA

W.A.No.1375 of 2022

1.G.Mariammal

2.Malliga

3.R.Kannagi

4.G.Annakili

5.B.Sundari

6.J.Rani

7.V.Gajagowri

8.G.Indirani

9.V.Mala

10.A.Jayanthi

11.S.Malar

12.M.Kanagavalli

13.M.Mangavaram

14.A.Umaiya

... Appellants / Third Parties

vs

1.State of Tamil Nadu,
rep. By its Secretary to Government,
Adi Dravidar And Social Welfare Department,
Fort St.George,
Chennai 600 009.

2.The Director,
Adi Dravidar Department,
Chepauk, Chennai 600 005.

3.The District Adi Dravidar and
Tribal Welfare Officer,
Cuddalore

4.The District Collector,
Cuddalore District.



5.The Special Tahsildar,
(Adi Dravidar Welfare)
Cuddalore.

6.The Tahsildar (Revenue)
Cuddalore Taluk,
Cuddalore District.

...Respondents 1 to 6 / Respondents

7.Jayanthi

...7th Respondent / Petitioner

Prayer: Appeal filed under Clause 15 of the Letters Patent Act against the order dated 23.02.2021 in WP No.21523 of 2019.

Prayer in WP No.21523 of 2019:Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to directing the respondents to hand over vacant possession of the land admeasuring 0.14.5 hectares of land comprised in Survey No.14/2A of Kizh Alinjipattu Village Cuddalore District to the petitioner.

For the Appellants : Mr.Srinivasamurthy
for Mr.S.Saranraj

For the Respondents : Mr.P.Muthukukmar,
State Government Pleader,
Assisted by Mr.Alagu Goutham,
Government Advocate,
for respondents 1 to 6

Mr.A.Maheshnath
for Mr.R.N.Amarnath,
for 7th respondent

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

The writ appeal has been filed by persons who were not party to the litigation before learned Single Judge. They are, however, permitted to raise all the issues before this court in this writ appeal.



2. The learned counsel for the appellants would submit that learned Single Judge has given direction to the authorities to handover possession of the land measuring 0.14.5 hectare to the writ petitioner/6th respondent herein within a period of 16 weeks, ignoring the rights of the writ appellants who were allotted the said land by the official respondents themselves. The direction of learned Single Judge is seriously affecting the rights of the appellants and accordingly, prayer is made to cause interference in the order of learned Single Judge.

3. To analyze the arguments of learned counsel for the appellants, we have gone through the records and find that the land comprised in S.Nos.14/2A, 162/08 and 14/2B in Kizh Alinjipattu Village was the subject-matter of acquisition, pursuant to the notification issued under the Tamil Nadu Acquisition of Land for Harijan Welfare Act, 1978. The acquisition was challenged by filing writ petitions in WP Nos.4345 to 4347 of 2000. The Writ Court, vide its order dated 27.02.2003, quashed the entire land acquisition proceedings. During the pendency of the said proceedings, it was informed that fresh acquisition proceedings have been initiated, with the issuance of notification under Section 4(2) of the Act. Subsequently, a compromise was entered into between the official respondents and the writ petitioner/6th respondent herein. The District Adi Dravidar Welfare Officer, vide his communication dated 19.07.2018 addressed to the Director, Adi Dravidar and Social Welfare Department, informed that compensation would be given for the rest of the land other than 0.14.5. Despite the compromise, the land was not given to the writ petitioner/6th respondent herein and therefore, writ petition in WP No.21523 of 2019 was filed in the year 2019.

4. Learned Single Judge found that despite the compromise agreement, the land measuring 0.14.5 has not been conveyed and thereby, the Department has not given effect to the agreement dated 19.07.2018. Learned Single Judge has further taken note of the counter-affidavit filed by the official respondents referring to the proposal to re-convey the land measuring 0.14.5 hectare. Reference was made to the sixteen encroachments made in the land in question and the learned Judge observed that such encroachments could have happened only because the officers responsible to protect the possession and to re-convey the land in favour of the writ petitioner/6th respondent failed to do so. We do not find any error in the order aforesaid.

5. At this stage, learned counsel for the appellants submitted that allotment order has been issued in their favour



and drew our attention to page no.80 of the additional typed set of papers. The said document was also perused. But we do not find it to be an allotment order but it is only a scheme for financing the construction of houses.

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6. We do not find any merit in the writ appeal and, accordingly, the same is dismissed. There will be no order as to costs.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

tar

To

1. The Secretary to Government,
Adi Dravidar And Social Welfare Department,
Fort St.George, Chennai 600 009.
2. The Director,
Adi Dravidar Department,
Chepauk, Chennai 600 005.
3. The District Adi Dravidar and
Tribal Welfare Officer,
Cuddalore
4. The District Collector,
Cuddalore District.
5. The Special Tahsildar,
(Adi Dravidar Welfare)
Cuddalore.
6. The Tahsildar (Revenue)
Cuddalore Taluk, Cuddalore District.

+1cc to Mr.R.N.Amarnath, Advocate, S.R.No.40624

+1cc to Mr.S.Saranraj, Advocate, S.R.No.41254

+1cc to the State Government Pleader, S.R.No.41429

W.A.No.1375 of 2022

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NSK/07/07/2022