

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2022

CORAM

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.12309 of 2022

D.Venkatarajulu

... Petitioner

Vs.

1. The State of Tamil Nadu

Represented by its Commissioner and Secretary,
Harijan Welfare (Adi Dravidar Welfare),
Fort St.George,
Chennai - 600 009.

2. The District Collector,
District Collector Office,
Krishnagiri District,
Krishnagiri.

3. The Special Tahsildar,
Adhi Dravida Welfare / Land Acquisition,
Krishnagiri Taluk,
Krishnagiri District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, for issuance of a Writ of Mandamus, directing the first respondent to consider and pass order on petitioner's representation dated 14.03.2022 which is seeking re-conveyance of the acquired lands U/s. 48(B) of Land Acquisition Act, 1894 in Survey No.256/3A at Kundrapalli Village, Krishnagiri District measuring about 1.05 acres.

For Petitioner : Mr.R.Sethuvarayar

For Respondents : Mr.B.Tamil Nidhi
Additional Government Pleader

ORDER

The petitioner has filed this writ petition for the issuance of the Writ of Mandamus to direct the first respondent to

consider the request of the petitioner for re-conveying the land which is allocated by the Government for the benefit of Adhidravidar in terms of G.O.Ms.No.420 dated 17.11.1998 and G.O.Ms.No.357 dated 10.11.1988 Adhidravidar and Tribal Welfare No. 11(2)/ATW/6407 (9-2) 88 as per the Section 6 of Land Acquisition Act, 1894.

2. It is the specific case of the petitioner that the petitioner is entitled for re-conveyance of the land in terms of Section 48(B) of Land Acquisition Act. Section 48(B) of the Land Acquisition Act, 1894 is extracted below:

"Section 48-B of the Land Acquisition Act empowers the Government to transfer the lands which vest with the Government under the Land Acquisition Act pursuant to the acquisition proceedings and the consequential award proceedings, if the Government satisfies that the said lands are not required for the purpose for which it was acquired or for any other purpose. What is mandate for the transfer of the lands vested with the Government to the original owner is a subjective satisfaction by the Government that the said lands required or not for the purpose for which it was acquired or for any other purpose. That apart, Section 48-B of the Land Acquisition Act also imposes one another condition, which is also mandate, viz., the original owner should be willing to repay the amount paid to him under the Land Acquisition Act for the acquisition of such land inclusive of the amount referred to in sub-section (1-A) and (2) of Section 23, if any, paid under the Land Acquisition Act."

3. The petitioner's representation for re-conveyance of the land dated 14.03.2022 has not invoked any response. Prima facie, it appears that the prayer of the petitioner for re-conveyance of the land in terms of Section 48(B) of the Land Acquisition Act, 1894, cannot be countenanced in view of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement (Tamil Nadu Amendment) Act, 2014.

4. Be that as it may, the respondents are directed to consider the petitioner's representation dated 14.03.2022 and dispose the same in accordance with law within a period of eight

weeks from the date of receipt of a copy of this order. In case, if there is no scope for re-conveyance of the acquired land, then the application shall be rejected by the respondents.

5. The writ petition stands disposed of with the above observations. No costs.

Sd/-
Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar

rgm

To

1. The Commissioner and Secretary,
The State of Tamil Nadu,
Harijan Welfare (Adi Dravidar Welfare),
Fort St.George,
Chennai - 600 009.
2. The District Collector,
District Collector Office,
Krishnagiri District,
Krishnagiri.
3. The Special Tahsildar,
Adhi Dravida Welfare / Land Acquisition,
Krishnagiri Taluk,
Krishnagiri District.

+1cc to Mr.R.Sethuvarayar, Advocate SR.No.39565
+1cc to the Government Pleader SR.No.40103

W.P.No.12309 of 2022

CB(12/07/2022)