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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2022

CORAM

THE HONOURABLE Mr. JUSTICE M.DHANDAPANI

WP.No.20741 of 2014
and M.P.Nos.1 & 2 of 2014

P.Anbazhagan

...Petitioner

Vs

- 1 The Secretary
Adi Dravidar and Tribal Welfare,
Fort St. George, Chennai-9.
- 2 The District Revenue Officer,
(Adi Dravidar Welfare),
Cuddalore District , Cuddalore.
- 3 The Special Tahsildar cum Land Acquisition Officer,
(Adi Dravidar Welfare),
Chidambaram Taluk,
Cuddalore District.

...Respondents

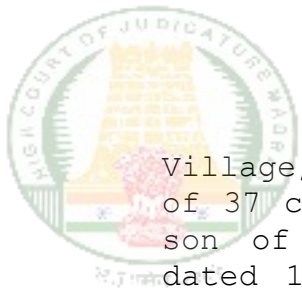
Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari to call for the records relating to the proceedings of the 2nd respondent dated 1.10.1991 in his proceedings Na.Ka. No.A4/107299/91 and further proceedings thereon to quash the same as lapsed.

For Petitioner : Mr. C.Prabakaran
For Respondents : Mr. R.P.Murugan Raja, GA

ORDER

This writ petition is filed seeking to quash the proceedings of the 2nd respondent, dated 1.10.1991 in his proceedings in Na.Ka. No.A4/ 107299/91 and further proceedings thereon.

2. The case of the petitioner is that the petitioner is the owner of the property in S.No.71/1 situated at Kumaragudi



Village, Kattumannar Koil Taluk, Cuddalore District to an extent of 37 cents for a valuable sale consideration from one Arul Raj son of Raja Manickam Padayachi under a registered sale deed dated 17.07.1991 vide document No.662/1991 on the file of the SRO, Sethiyathope, Cuddalore District. At this juncture, the first respondent herein issued notification dated 01.10.1991 under Section 4(1) of the Land Acquisition Act proposing to acquire a land owned by the petitioner. The land was acquired for the purpose of construction of house sites for Adi Dravidar and Schedule Tribes. Subsequent to the 4(1) Notification, the petitioner has participated with the enquiry and an award was passed by the third respondent on 23.02.1994 in his proceedings in Award No.9 of 93-94. Based on the said award the amount was deposited by the authorities with the Bank of India and the same was debited for the loan obtained by the petitioner in respect of the said lands without petitioner's consent.

3. It is the further case of the petitioner that though the land was acquired by the respondents as early as on 01.10.1991, but the physical possession and enjoyment of the property till date. The petitioner is continuously doing his business in the afore said place. The patta and chitta and other revenue records were also stands in the petitioner's name as on date. In view of non-taking of the possession by the respondents for the past 23 years, the entire land acquisition proceedings are lapsed on the ground of delay as well as non-usage of land which was acquired for the purpose. Hence, the petitioner made a representation to the first respondent on 30.06.2014 requesting to re-convey the land under Section 48(B) of the Land Acquisition Act, 1894 and the same has not considered by the respondents so far. Hence, the present writ petition has been filed seeking to quash the impugned order.

4. Learned counsel for the petitioner submitted that the petitioner's land was acquired by the respondents as early as on 01.10.1991, but the possession was not taken by the respondents, till date. Without the petitioner's consent, the compensation amount has been deposited in his bank account. In view of the implementation of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the entire proceedings are lapsed. Therefore, the learned counsel prays to quash the impugned order and allow this writ petition.

5. Learned Special Government Pleader submitted that the notification was issued under Section 4(1) of the Land Acquisition Act to the land owners including the petitioner and



thereafter, an award was passed by the respondents on 23.02.1994. Based on the said award, the compensation amount was deposited in the petitioner's bank account and necessary patta have been issued to the eligible beneficiaries. The contention made by the petitioner that the possession of the land was not taken by the respondents is totally false. Hence, this Court may dismiss the writ petition.

6. Heard, the learned counsel for the petitioner as well as the learned Government Advocate appearing for the respondents, and perused the materials available on record.

7. The facts of the case are not in dispute. Admittedly, the petitioner's land was acquired for the purpose of construction of house sites for Adi Dravidar and Schedule Tribes and possession was taken from the land owners including the petitioner and the said project was also completed. An award was passed in respect of the petitioner's land and he has also received the compensation amount.

8. It is borne out by record that the acquisition proceedings notified under Section 4(1) culminating in the declaration under section 6 and passing of the award has not been put in issue by the petitioner. The petitioner claims re-conveyance of land, which has been rejected vide the impugned proceedings claiming that the lands have not been put to use and therefore, it can be re-conveyed back to the petitioner. However, it is to be pointed out that the provision for re-conveyance of acquired lands is not available under the Harijan Welfare Act. Further, once the land has been acquired and compensation has been paid, it is within the domain of the acquisition body to which the land and the petitioner as a matter of right, cannot claim re-conveyance for the mere reason that the lands have not be utilized for the purpose it was acquired. That apart, the acquisition proceedings have been completed and the subject land was taken over by the Government and the said project was also completed by the Government. Further, the requisitioning body also deposited the compensation as awarded by the Land Acquisition Officer and the petitioner has also received the said compensation and the patta has also been issued to the eligible beneficiaries (135 persons) on 01.01.2013 and the beneficiaries have constructed pucca houses in their lands as per patta issued by the respondents. That being the position, the claim made by the petitioner for re-conveyance is wholly unsustainable. Further, the above view of this Court is in-subscription of the view taken by the Hon'ble Apex Court in the case of Tamil Nadu Housing Board Vs. Keeravani



ammal and others reported in AIR 2007 SC 1691. This Court finds no merit in the petition and this Court cannot interfere with the impugned order passed by the respondents.

9. For the reasons aforesaid, the prayer sought for cannot be granted and the Writ Petition is accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

s/d-
Assistant Registrar

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Sub-Assistant Registrar

Rli

To

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SKM(CO)
SP(02/06/2022)