



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.40941 of 2016

K.M. Rangasamy

... Petitioner

Vs.

1. The District Collector,
Erode District.

2. The Special Tahsildar,
Harijan Welfare,
Erode District.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate Writ, Order or Direction in the nature of a Writ to consider the representation of the Petitioner dated 22.04.2016 in accordance with law.

For Petitioner : M/s.T. Gowthaman

For Respondents : Mr. Yogesh Kannadasan,
Special Government Pleader.

ORDER

The present petition has been filed seeking a direction to the Respondents to consider the representation dated 22.04.2016 made by the petitioner and dispose of the same in accordance with law.

2. It is the case of the petitioner that the subject lands were acquired under 4(1) notification dated 28.12.2995 issued under the Tamilnadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 (Act 31/78) for the purpose of providing house sites to Adi-Dravidar. Pursuant to the said acquisition, Award was passed by the 2nd Respondent in Award No.31/96 in I.A.No.9830/1997. Subsequent to the said acquisition, even after a lapse of two decades, the said lands have not been utilized for the purpose for which it was acquired, and the petitioner



was also not paid the compensation amount towards the acquisition. Therefore, the petitioner made a representation dated 22.04.2016 to the 2nd Respondent/Special Tahsildar requesting to re-convey the said lands. However, till date, the same has not been considered. Hence, the present petition has been filed.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs the Respondents to consider the representation dated 08.09.2016 made by the petitioner and dispose of the same on merits and in accordance with law, within the time that may be stipulated by this Court.

4. Learned Special Government Pleader appearing for the respondents relying upon the Counter Affidavit of the 1st Respondent, submits that the subsequent to the Acquisition Award has been passed in Award No.31/96 A in L.A.No.4/95 A dated 25.3.1996. Since, the petitioner had refused to receive the compensation amount, the said amount was deposited in the Revenue Deposit. Even after passing of the Award towards the Acquisition, the petitioner's claim for re-conveyance of the said land is not sustainable. Hence, the present petition is liable to be dismissed.

5. A perusal of the materials available on record reveals that towards the acquisition of the said lands, award has been passed and compensation was deposited. After passing of the award, there is no question of the re-conveyance of the lands, subsequently the Central Act 1894 is amended and new Act 2013 came into operation, as there is no provision available under the Act. In the absence of any provision, the claim of the petitioner for re-conveyance of the subject lands is wholly unsustainable and this Court cannot issue any affirmative direction to the respondents as prayed for in this Writ Petition. Therefore, this Writ Petition deserves to be dismissed.

6. For the reasons aforesaid, this Writ Petition is devoid on merits and the same is dismissed accordingly. No costs.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

NHS



To

1. The District Collector,
Erode District.

2. The Special Tahsildar,
Harijan Welfare,
Erode District.

+1cc to M/s.T.Gowthaman, Advocate, S.R.No.37768

+1cc to the Government Pleader, S.R.No.37407

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RR(CO)
UMA(07/07/2022)