



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.5736, 5737, 5738, 5739, 5740, 5741, 5742 & 5743 of 2014
and
W.M.P.No.1 of 2014 (8 Nos)

P.Jagathalaprathaban	...	Petitioner in WP.No.5736/2014
R.Ranganayaki	...	Petitioner in WP.No.5737/2014
M.Sankaranarayanan	...	Petitioner in WP.No.5738/2014
S.Thatsanamurthi	...	Petitioner in WP.No.5739/2014
A.Prema	...	Petitioner in WP.No.5740/2014
S.Asokan	...	Petitioner in WP.No.5741/2014
P.Mannar	...	Petitioner in WP.No.5742/2014
M.Revathy	...	Petitioner in WP.No.5743/2014

Vs

1. The Secretary,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai-600 009.

2. The Special Tahsildar,
Ponneri,
Adi Dravidar Welfare Office,
Tiruvellore District.

... Respondents in All Writ Petitions

PRAYER : Petitions filed under Article 226 of the Constitution of India praying for the issuance of a writ of declaration to declare the 4(1) notification passed under Act 1 of 1894 of the Central Act for acquiring lands for the Adi Dravidar Welfare Scheme under G.O.(3D) No.679 dated 29.05.1995 for acquiring 0.32 acres of land in S.No.18/1(part) in Sundara Cholapuram village,



Poonamallee Taluk, Trivellore district is illegal, ultravires, void abinitio and not binding on the petitioner and non-est and pass necessary consequent order.

WEB COPY

For Petitioner ... Mr. K.M. Vijayan, Senior Counsel for
for M/s. C.M.Krishna Kumar

For Respondents ... Mr. M. Murali, Government Advocate

C O M M O N O R D E R

Since the issue involved in all the Writ Petitions are one and the same, all these petitions are taken up for final disposal by way of a common order.

2. These petitions have been filed seeking to declare the 4(1) notification passed under Act 1 of 1894 of the Central Act for acquiring subject lands for the Adi Dravidar Welfare Scheme under G.O(3D) No.679 dated 29.05.1995.

3. It is the case of the petitioners that they have purchased the subject lands as layouts, which were approved by CMDA. The said lands were acquired under Section 4(1) of the Central Act 1/1894 for the purpose of providing lands to the Adi Dravidar persons under Adi Dravidar Welfare Scheme as per the G.O.(3D) No.679 dated 29.05.1995. However, in the year 2011, the petitioner, on coming to know through Right to Information Act, that the said lands have been acquired under the Central Act of 1/1894, subsequent to which, 5(A) enquiry was conducted on 25.08.1995 and Section 6 declarations was ordered on 14.07.1995 and further an award has also been passed on 14.03.1996, has come up with the present petition.

4. It is the contention of the learned counsel for the petitioners that the lands that have been acquired under the Central Act, ought to have been acquired under the specific State Act which was passed in the year 1978. Subsequent to the acquisition of the said lands as per said G.O, till date, no steps were taken to allot the lands and the purpose for which the lands were acquired have not been served. Therefore, in view of the erroneous acquisition of the lands under the Central Act, this Court may grant relief as sought for in this Writ Petition by allowing this Writ Petition.

5. Learned Government Advocate relying on the Counter Affidavit filed on behalf of the Respondents submits that the 4(1) notification which was issued under the Central Act 1/1894



was dropped and subsequently, notice under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 was issued by the District Collector of the erstwhile Chengalpattu MGR District. Therefore, filing of Writ Petition against the 4(1) notification issued under the Central Act 1/1894 is not maintainable. Hence, the present petition is liable to be dismissed.

6. In view of the fact that the notification under challenge having already been dropped, the present Writ Petition challenging a non-existent notification is impermissible. Therefore, no further order is necessary in these Writ Petitions. If at all the petitioners are aggrieved, it is open for the petitioners to challenge the subsequent notification which was issued under the State Act.

7. Accordingly, these Writ Petitions are dismissed with the aforesaid direction. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Deputy Registrar(CS)

// True Copy //

Sub Assistant Registrar

NHS

To

1. The Secretary,
Adi Dravidar Welfare Department,
Fort St.George,
Chennai-600 009.

2. The Special Tahsildar,
Ponneri,
Adi Dravidar Welfare Office,
Tiruvellore District.

+8ccs to Mr.C.M.Krishnakumar, Advocate SR.No.28128

+1cc to the Government Pleader, SR.No.28878

W.P.Nos.5736, 5737, 5738, 5739,
5740, 5741, 5742 & 5743 of 2014

SS(CO)
CB(03/06/2022)