



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.33963 OF 2014

AND

M.P.NO.1 OF 2014

Subramaniyapillai

... Petitioner

Vs.

1. The Secretary to Government,
Schedule Caste and Schedule Tribes,
Welfare Department,
St.George Fort,
Secretariat, Chennai 600 009.

2. The District Collector,
Collector Office,
Sathuvacheri, Vellore,
Vellore District.

3. The Special Tahsildar,
Adi Dravidar Welfare Officer,
Walajah, Vellore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first respondent to re-convey of the petitioners dry land in Survey No.35 to the extent of 1.01.2 Hectres, situated of Karikkal Village, Arakkonam Taluk, Vellore District.

For Petitioner : M/s.K.L.Sekar

For Respondents : Mr.P.Sathish, AGP



O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus to direct the first respondent to reconvey of the petitioners dry land in Survey No.35 to the extent of 1.01.2 Hectres, situated of Karikkal Village , Arakkonam Taluk, Vellore District.

2. The case of the petitioner is that after the demise of his father, he and his brother were occupying the property belonged to the father and were enjoying the same. While so, the 3rd respondent selected his land and recommended the same to the 2nd respondent to allot hous site to Adi Dravidars and the same was approved vide G.O.Ms.No.1475 dated 07.08.1989 and thereafter decided to acquire his land. It is alleged by the petitioner that after acquiring the above said land, the said proposal was cancelled and the scheme was abandoned by all the respondents. Subsequently, the petitioner approached all the respondents and requested to reconvey his property and also sent representation on 18.09.2014 in that regard. However, the respondents failed to consider the representation of the petitioner. Aggrieved by the same, the petitioner is constrained to approach this Court by filing this Writ Petition.

3. The learned Additional Government Pleader appearing for the respondents submitted that there is no provision available under the Land Acquisition Act, to reconvey the land, which was acquired for the welfare of the Adi dravidar, to the original owner and hence prays for dismissal of this petition.

4. This Court has carefully considered the rival submissions and also perused the materials available on record.

5. The grievance of the petitioner is that the petitioner's land was acquired under the Land Acquisition Act for the welfare of the Adi Dravidar and however, it is alleged by the petitioner that the said land has not been utilised for that particular purpose and thereby prays for reconveyance of the land. However this Court is of the opinion that there is no provision available under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978), to reconvey the land, which was acquired for the welfare of the Adi Dravidar, to the original owner. In the absense of the said provision, a Mandamus cannot be issued and therefore, the Writ Petition is liable to be quashed.



6. For the reasons aforesaid, this Writ Petition is dismissed. No costs. Consequently connected miscellaneous petition is closed.

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Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Schedule Caste and Schedule Tribes,
Welfare Department,
St.George Fort,
Secretariat, Chennai 600 009.
2. The District Collector,
Collector Office,
Sathuvacheri, Vellore,
Vellore District.
3. The Special Tahsildar,
Adi Dravidar Welfare Officer,
Walajah, Vellore District.

+lcc to the Government Pleader, S.R.No.19490

W.P.No.33963 of 2014

PL(CO)
RLP(07/04/2022)