



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 01.04.2022

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.28244 of 2014

Dr. B. R. Ambedhkar Samuga Nala Seva Sangam,
Arivoli Nagar, Pudumandi Mangalpuram,
M.C.Road, Ambur, Vellore District,
represented by its President
Mr. C. Dhanasekar.

... Petitioner

Vs

1.The State of Tamil Nadu,
represented by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Chennai-600 009.

2. The Collector of Vellore District,
Sathuvachari, Vellore.

3. The Special Tahsildar,
Adi Dravidar Welfare,
Tirupathur, Vellore District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents herein to proceed with the acquisition proceedings as per the notification issued under section 4(1) of the Act and Published in gazetted dated 20.01.2004 relating to the lands mentioned in K10/26057/98 dated 20.01.2004 as ordered by the Division Bench of this Court in W.A.No.2377 of 1999 dated 25.11.1999 and Cont.App.No.18 of 2001 dated 28.11.2001.

For Petitioner ... Mr. Dr. R. Gopinath

For Respondents ... Mr. R. Vigneswaran,
Government Advocate

O R D E R

The present petition has been filed seeking a direction to the respondents herein to proceed with the acquisition proceedings as per the Notification issued under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes



Act, 1978 and Published in Gazette dated 20.01.2004 relating to the lands mentioned in K10/26057/98 dated 20.01.2004 as ordered by the Division Bench of this Court in W.A.No.2377/1999 dated 25.11.1999 and Cont.App.No.18 of 2001 dated 28.11.2001.

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2. The case of the petitioner is that, pursuant to the petition filed by the members of the petitioner/Sangam, Land Acquisition Proceedings were initiated by the respondents herein as per the Notification issued under Section 4(1) of the Act dated 20.01.2004, with respect to the lands in S.No.1/1, 1/5 and 2 in Ward 'F' Block of Ambur Town to an extent of 6.12 acres. However, the said proceedings were neither concluded nor the House sites were provided to the petitioner. Aggrieved by the same, the petitioner has come up with the present Writ Petition with the aforesaid relief.

3. Learned Government Advocate appearing for the respondents submits that the Land Acquisition proceedings in respect of the subject lands were stalled by the respondents as per the order passed by the Division Bench of this Court in W.P.No.5212 of 2004 which was filed by one of the land owners of the subject lands, challenging the Notification under Section 4 (1) of the Land Acquisition Act. Without challenging the order passed by this Court in W.P.No.5212 of 2004, filing of Writ Petition seeking the relief contrary to the said order, is not sustainable. Hence, the present petition is liable to be dismissed.

4. In view of the aforesaid submission, the prayer sought for in this Writ Petition cannot be granted, as the same is contrary to the order passed by the Division Bench of this Court in W.P.No.5212 of 2004. In view of the same, this Writ Petition is dismissed, granting liberty to the petitioner to work out the remedy in the manner known to law. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

NHS

To

1. The Secretary,
State of Tamil Nadu,
Adi Dravidar and Tribal Welfare Department,
Chennai-600 009.



2. The Collector of Vellore District,
Sathuvachari, Vellore.

3. The Special Tahsildar,
Adi Dravidar Welfare,
Tirupathur, Vellore District.

+1cc to the Government Pleader, S.R.No.22798

W.P.No.28244 of 2014

PVS (CO)
SB(01/06/2022)