



WEB COPY



W.P. No. 7172 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2022

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No. 7172 of 2017

and

W.M.P. Nos.7795 and 7796 of 2017

Ponnusamy

... Petitioner

-VS-

1. State of Tamil Nadu, Rep. By
the Special Commissioner,
and Secretary to Government,
Adi-Dravidar and Tribal Welfare Department,
Secretariat, Chennai-9.

2. The District Schedule Caste and Schedule Tribes,
Welfare Officer,
Office of the District Schedule Caste and
Schedule Tribes Welfare,
Thiruppur.

3. The Special Tahsildar,
(Adi Dravidar Welfare)
Kangayam, Periyar District.
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the second respondent in Na.Ka.No.2153/201016/Ka-2 dated 16.11.2016 and quash the same.



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For Petitioner : Mr. M.Balachandar
For Respondents : Mr. U.Bharanidharan
Additional Government Pleader

ORDER

This petition has been filed seeking a direction to the 3rd respondent to implement the order and direction issued by the first respondent in Na.Ka.No.E3/214/2017-2 dated 23.06.2017 with regard to extension of the street in Ward No.2, Block No.34, S.No.307/14, Kancheepuram Taluk, Kancheepuram District within a time frame that may be fixed by this Court.

2. It is the case of the petitioner that the land in S.No.1642/2 measuring an extent of 0.34.0 Hectare situated at Alampalayam Village belonged to the petitioner's father. After the demise of his father, the petitioner is in continuous possession and enjoyment of the property. In such circumstances, the above said land was acquired by the respondents, for which 4(1) Notification was issued and 6th declaration was published on 28.07.1989. Challenging the said proceedings, the petitioner and others have filed a writ petition in W.P. No.18640 of 1990 before this Court and this Court, vide order dated 01.12.1998 dismissed the same. After a lapse of a decade, the District Adi Dravidar Welfare Officer issued a letter dated 16.11.2016 requiring the same



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land for issuing patta in favour of beneficiaries. Thereafter, the petitioner has approached the Adi Dravidar Welfare Officer requesting for accepting his alternate lands and release the original lands acquired. However, the Adi Dravidar Welfare Officer has failed to consider the same. Having no other alternative remedy, the petitioner has filed the present writ petition challenging the order passed by the second respondent dated 16.11.2016 for quashment of the same.

3. The learned counsel for the petitioner submitted that the land was acquired under the Harijan Welfare Act and without making a proper enquiry, the respondents have acquired the lands from the petitioner and hastily allotted to the various Adi Dravidars, which is unsustainable one. Further, the petitioner has approached the Adi-Dravidar Welfare Officer to provide an alternate lands. However, the same was rejected by the Adi-Dravidar Welfare Officer, which is *non-est* in law.

4. The learned Additional Government Pleader submitted that after following the due procedure, the lands have already acquired from the petitioner and others. Subsequently, the respondents offered compensation to the petitioner and the same was refused by him. Therefore, the compensation



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amount was deposited in the revenue deposit. After acquisition, the land was divided and the same was allotted to depressed class people. Challenging the same, the petitioner has already filed a writ petition before this Court and the same was dismissed. As the issued involved in this writ petition has already been decided, the petitioner cannot seek the same by filing another writ petition. In view of that, this Court does not warrant any interference in the impugned order and accordingly, the writ petition is liable to be dismissed.

5. Heard the learned counsel on either side and perused the materials available on record.

6. The facts of the case are not in dispute. Admittedly, the lands belonged to the petitioners and others were acquired under the Harijan Welfare Act and the said lands have divided into 20 plots and the same was allotted to the Adi-Dravidars. It is also an admitted fact that the the petitioner and others have already filed a writ petition in W.P. No. 18640 of 1990 directing the respondents to quash the acquisition proceedings and the said writ petition was dismissed by this Court and decided in favour of the Government.



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7. On perusal of the impugned order, it is seen that the compensation amount has been offered to the petitioner for his acquired land, but he refused to receive the same and hence, the respondents have deposited the compensation amount in the revenue deposit and the project has also been implemented by the respondents. In view of the foregoing discussions, this Court is not inclined to interfere with the impugned order passed by the second respondent.

8. In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

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Index: Yes/No

To

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M.DHANDAPANI,J.



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3. The Special Tahsildar,
(Adi Dravidar Welfare)
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