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W.P.Nos.17071 to 17074 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.11.2022

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.17071 to 17074 of 2017

Seviyappa Udayar	... Petitioner in W.P.17071/2017
1.G.Malliga	
2.P.Sakthi	
3.P.Shanthi	
4.G.Kumar	
5.Selvi.Kumari	... Petitioners in W.P.17072/2017
D.Thoplan	... Petitioner in W.P.17073/2017
S.Gopal	... Petitioner in W.P.17074/2017

Vs.

1.The District Collector, Villupuram District, Villupuram.	
2.The Special Tahsildhar, Adi Dravida Welfare, Ulundurpet, Villupuram.	... Respondents in all the W.Ps.

Prayer in W.P.No.17071 of 2017:

Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the respondents to re-convey the



W.P.Nos.17071 to 17074 of 2017

Lands comprised in S.No.218/11 – 0.20 Hectares.; S.No.223/4B – 0.22 ½ Hectares. ; S.No.223/5A1 – 0.22 Hectares. ; S.No.223/7A1 – 0.22 Hectares ; S.No.223/9A1 – 0.08 Hectares, situate within Segannan Kollai Village, Thirukkivilur Taluk, Villupuram District, acquired by the respondents through the notification dated 10.04.1999 published in District Gazette, Villupuram, Vide Ref.No.M5/95749/07 dated 07.05.1999 under Sec.4(1) of the Tamilnadu Acquisition for Land for Harijan Welfare Schemes Act, 1979.

Prayer in W.P.No.17072 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to re-convey the Lands comprised in S.No.218/8 – 0.03.0 Hectares.; S.No.218/9 – 0.02.5 Hectares. ; S.No.218/10 – 0.02.5 Hectares, situate within Segannan Kollai Village, Thirukkivilur Taluk, Villupuram District, acquired by the respondents through the notification dated 10.04.1999 published in District Gazette, Villupuram, Vide Ref.No.M5/95749/07 dated 07.05.1999 under Sec.4(1) of the Tamilnadu Acquisition for Land for Harijan Welfare Schemes Act, 1979.



W.P.Nos.17071 to 17074 of 2017

WEB COPY

Prayer in W.P.No.17073 of 2017:

Petition filed under Article 226 of the Constitution of India to

issue a Writ of Mandamus directing the respondents to re-convey the Lands comprised in S.No.216/3 admeasuring an extent of 0.16.0 Hectares, situated within Segannan Kollai Village, Thirukkivilur Taluk, Villupuram District, acquired by the respondents through the notification dated 10.04.1999 published in District Gazette, Villupuram, Vide Ref.No.M5/95749/07 dated 07.05.1999 under Sec.4(1) of the Tamilnadu Acquisition for Land for Harijan Welfare Schemes Act, 1979.

Prayer in W.P.No.17074 of 2017:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to re-convey the Lands comprised in S.No.218/11 – 0.20 Hectares. ; S.No.223/4B – 0.22 ½ Hectares. ; S.No.223/5A1 – 0.22 Hectares. ; S.No.223/7A1 – 0.22 Hectares ; S.No.223/9A1 – 0.08 Hectares, situate within Segannan Kollai Village, Thirukkivilur Taluk, Villupuram District, acquired by the respondents through the notification dated 10.04.1999 published in District Gazette, Villupuram, Vide



W.P.Nos.17071 to 17074 of 2017

Ref.No.M5/95749/07 dated 07.05.1999 under Sec.4(1) of the Tamilnadu Acquisition for Land for Harijan Welfare Schemes Act, 1979.

For Petitioners : Ms.Poornima
For Respondents : Mrs.C.Sangamithirai
Special Government Pleader

COMMON ORDER

The petitioners have filed these writ petitions seeking direction to the respondents to re-convey their acquired lands.

2.Since the issue involved in all these writ petitions are one and the same, they are heard together and disposed of by way of a common order.

3.The case of the petitioners is that the petitioners are the owners of the respective subject lands and the lands were acquired under the Tamilnadu Acquisition for Land for Harijan Welfare Schemes Act, 1979 for the purpose of providing house sites to landless Adi Dravidas, however, neither compensation was paid nor possession was taken. Hence, the petitioners have filed these writ petitions for the aforesaid relief.



W.P.Nos.17071 to 17074 of 2017

WEB COPY

4.The learned counsel appearing for the petitioners submitted that the subject lands were acquired by the respondents under the

Tamilnadu Acquisition for Land for Harijan Welfare Schemes Act, 1979, for the the purpose of providing house sites to landless Adi Dravidas and 4(1) Notification dated 10.04.1999 was published in the District Gazette, Villupuram Vide Ref.No.M5/ 95749/07 dated 07.05.1999 and award was passed on 03.10.2000, however, possession was not taken by the respondents and compensation was not paid to the petitioners. Hence, this Court may consider the claim of the petitioners in terms of Section 48B of the Land Acquisition Act.

5.The learned Special Government Pleader appearing for the respondents submitted that immediately after the award was passed, the award amount was deposited in the Revenue account and further submitted that the Central Act was repealed and thereafter there is no provision for re-conveying the property.

6.Heard the arguments advanced on either side and perused the materials available on record.



W.P.Nos.17071 to 17074 of 2017

WEB COPY

7.The facts in the present case is not in dispute. Admittedly, the petitioners lands were acquired under the Tamilnadu Acquisition

for Land for Harijan Welfare Schemes Act, 1979 for the purpose of providing house sites to landless Adi Dravidas and 4(1) Notification dated 10.04.1999 was published in the District Gazette, Villupuram Vide Ref.No.M5/ 95749/07 dated 07.05.1999 and award was passed on 03.10.2000.

8.Perusal of records reveal that the petitioners and similarly situated persons have challenged the acquisition proceedings by way of writ petitions and the same were dismissed. Further the special leave petitions filed against the acquisition proceedings were also dismissed.

9.Further, the petitioners after a lapse of more than a decade have filed these writ petitions for re-conveyance of their lands in terms of Section 48B of the Land Acquisition Act, however, the fact remains that the Central Act was repealed and as rightly pointed out by the learned Special Government Pleader after repealing of the



W.P.Nos.17071 to 17074 of 2017

Central Act, there is no provision for re-conveying the property. In the absence of any provision for re-conveying the property, the relief sought for in these writ petitions cannot be granted.

10. These writ petitions are accordingly dismissed. No costs.

24.11.2022

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

To

1. The District Collector,
Villupuram District,
Villupuram.
2. The Special Tahsildhar,
Adi Dravida Welfare,
Ulundurpet,
Villupuram.



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W.P.Nos.17071 to 17074 of 2017

M.DHANDAPANI,J.
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W.P.Nos.17071 to 17074 of 2017



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W.P.Nos.17071 to 17074 of 2017

24.11.2022