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W.P.No. 15201 of 2003

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2022

CORAM

**THE HONOURABLE MR.JUSTICE M.DHANDAPANI**

W.P.No. 15201 of 2003

and

W.M.P.No. 22699 of 2017

1. Shamimunnisa (alias)  
Shamima Banu (Deceased)
2. K. Afroze Ahmed
3. K. Arshad Ahmed
4. K. Aarif Ahmed

[P2 to P4 substituted as LR's of deceased sole  
petitioner vide order dated 29.04.2022 made  
in WMP.No.19507/2021]

... Petitioners

Versus

1. State of Tamil Nadu  
Represented by its Secretary,  
Adi Dravidar Welfare Department  
Chennai - 600 009.
2. The Special Tahsildar (A.D.W.)  
Gudiyatham  
Vellore District.
3. The District Collector  
Vellore.

... Respondents



W.P.No. 15201 of 2003

Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorrified Mandamus, calling for the records relating to the orders passed by the 2nd respondent/Special Tahsildar, Adi Dravida Welfare, Gudiyatham, Vellore District in RCA.No.477 of 2000 dated 07.03.2003 in respect of Punja Lands bearing Survey No.96, measuring 1 acre and 22 cents and Survey No.98/1, measuring 2 acres situated at No.37, Kothamarikuppam Village, Gudiyatham Taluk, Vellore District and quash the proceedings.

For Petitioners : Mr.P.K.Sivasubramaniam

For Respondents : Mr.G. Krishna Raja,  
Additional Government Pleader

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### **ORDER**

The writ petition is filed challenging the impugned order passed by the passed by the 2nd respondent/Special Tahsildar, Adi Dravida Welfare, Gudiyatham, Vellore District in R.C.A.No.477 of 2000, dated 07.03.2003 in respect of Punja Lands bearing Survey No.96, measuring the extent of 1 acre and 22 cents and Survey No.98/1, measuring the extent of 2 acres situated at No.37, Kothamarikuppam Village, Gudiyatham Taluk, Vellore District and



W.P.No. 15201 of 2003

quash the same.

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2. The case of the petitioner is that the petitioner is the owner of the agricultural land comprised in Punja Survey No.96, measuring an extent of 1 acre and 22 cents [inclusive of Well and 54 H.P. Motor Pumpset] and the land comprised in Survey No.98/1, measuring an extent of 2 acres situated at No.57, Kothamarikuppam Village, Gudiyatham Taluk, North Arcot District. The petitioner has purchased the aforesaid property by way of registered a sale deed in Document No.1816 of 1989, dated 09.05.1989 on the file of the Sub Registrar, Gudiyatham. From the date of purchase, the petitioner is in possession and enjoyment of the property. While so, the local people in collusion with the second respondent have planned to divide the fertile agricultural land as house site for the purpose of allotting to it to their own beneficiaries and the second respondent describing the agricultural punja lands as dry lands, sent a notice under Section 4(2) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978, [in short "TN Act 3 of 1978"]. In this regard, the petitioner has filed an objection by his letter, dated 19.07.2000 stating that Kothamarikuppam Adi Dravida Colony was formed by Tamil Nadu Government and 65% of the lands alone were utilized



W.P.No. 15201 of 2003

for housing and the rest of the lands have been under the enjoyment of the beneficiaries, other than Adi Dravidas. Four acres of poramboke lands are lying vacant adjacent to Adi Dravida Colony. As per the policy of the Government of Tamil Nadu in G.O.(Ms).No.1168, Housing and Urban Development, dated 05.08.1987, it was directed that the wet and dry agricultural lands should not be acquired for housing scheme and the poramboke lands only should be acquired. Till date, the objection of the petitioner was not considered by the respondent officials and no enquiry was conducted on the hearing date on 25.07.2000. However, the second respondent sent a notice, dated 07.03.2003 in Form - III of the Rules without passing any order on the objection statement filed by the petitioner and even the District Collector on the basis of the report by the second respondent, has not passed any orders for the purpose of notifying the land in the local Gazette and without communicating the notification in the Gazette, the notice in Form No.III has been sent and the procedure prescribed proceedings initiated by the respondents for the formation of house sites for Adi Dravidas is illegal. Hence, the petitioners have come forward with the present writ petition.



W.P.No. 15201 of 2003

3. The learned Additional Government Pleader appearing for the respondents submitted that all the points have to be raised before the second respondent/The Special Tahsildar (A.D.W.) and thereafter, the second respondent may consider and pass appropriate orders in accordance with law.

4. Heard both side and perused the records.

5. Though the respondent authority started to acquire the lands of the petitioner by issuance of Section 4(1) notification long before 22 years till date no action was taken to complete the acquisition proceedings. In such view of the matter and having regard to the limited scope of the prayer that is now sought for in this writ petition and taking into account the submissions made on either side, without expressing any opinion on the merits of the case in the present writ petition, this Court is inclined to pass the following order:-

the petitioner is hereby directed to approach the second respondent/The Special Tahsildar (A.D.W.), Gudiyatham, Vellore District, within a period of two weeks from the date of receipt of a copy of this order and canvass all points that have been raised in the writ petition and the second respondent in turn shall consider the case of the petitioner and pass appropriate orders on



W.P.No. 15201 of 2003

merits and in accordance with law within a period of four weeks thereafter.

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6. With the above direction, the writ petition is disposed of. No costs.

**17.08.2022**

msm

To

1. The Secretary,  
State of Tamil Nadu  
Adi Dravidar Welfare Department  
Chennai - 600 009.
2. The Special Tahsildar (A.D.W.)  
Gudiyatham  
Vellore District.
3. The District Collector  
Vellore.

**M.DHANDAPANI, J.**



WEB COPY



W.P.No. 15201 of 2003

msm

W.P.No. 15201 of 2003

17.08.2022