



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2022

CORAM:

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THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8385 of 2009 and
MP(MD) No.1 of 2009

P.Palanisamy Gounder (Died)

Ramasamy

S/o Late Palanisamy Gounder

(The present petitioner is substituted as per the order of this Court in WMP(MD) No.3236 of 2022 in WP(MD) No.8385 of 2009 by BPJ)

...Petitioner

vs.

1.The State of Tamilnadu,
Rep by its Secretary,
Adi Dravidar and Social Welfare Department,
Chief Secretariat,
Fort St.George,
Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Special Tahsildar,
(Adi Dravidar Welfare Zone -2),
Office of the Special Tahsildar,
Palani,
Dindigul District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to re-convey the land acquired for the purpose of granting house sites to the Kosapalayam Harijan families to the petitioner.

For Petitioner : Mr.P.Saravana Kumar

For Respondents : Mr.A.Baskaran
Additional Government Pleader



O R D E R

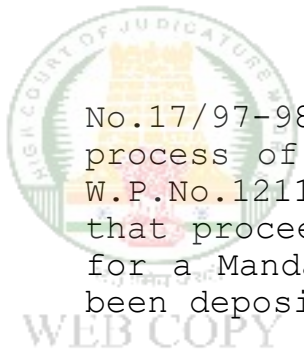
This writ petition is filed for a Mandamus, directing the respondents to re-convey the petitioner's lands comprised in S.No.235/1 situated in Kalwarpatti Village, Vedasandur Taluk, Dindigul, which was acquired by the respondents, for the purpose of granting house sites to the Kosapalayam Harijan families.

2.The case of the petitioner is that he is the owner of the land in Survey No.235/1 & 2 situated in Kalwarpatti Village, Vedasandur Taluk, Dindigul, to an extent of 5.27 acres and the same was acquired by the third respondent for the purpose of allotting house sites to Adi dravidars in Kosapalayam Village, Kovilpatti. The grievance of the petitioner is that the lands acquired from this petitioner were not put into house sites and therefore, necessary orders have to be passed to reconvey the lands acquired by the respondents to the petitioner.

3.The learned Additional Government Pleader appearing for the respondents submits that the land in S.F.No.235/1, 2 of Kosapalayam, Kalvarpathi Village, to an extent of 2.13.5 hec was acquired by the Government, as per Award No.17/97-98 (Roc.1876/96/A), dated 31.12.1997 of Special Tahsildar (ADW), Unit II, Dindigul. Objecting the land acquisition, the petitioner filed a writ petition in W.P.No.12113 of 1998, before the Principal Seat of this Court. Pending the writ petition, the petitioner sold 16.19 acres of land in various survey Numbers, including the land in Survey No.235/1,2 to an extent of 5.27 acres, totalling to 16.19 acres of land to one Devathal, W/o Manikkam, Karuppusamy S/o Kandasamy Gounder. Thereby, the petitioner has no right over the property. Subsequently, the writ petition filed by the petitioner was also dismissed. The entire acquisition proceedings have been done in accordance with law in the year 1997 itself and the lands have been allotted to the beneficiaries in the year 1998. The petitioner without filing an appeal against the order passed in W.P.No.12113 of 1998, he filed the writ petition for a Mandamus. He further submits that the petitioner also sold the land to the third party to create the record that there is another transaction was made. Since the earlier writ petition filed by the petitioner, challenging the Notification under Section 4(1) Notification was dismissed, the petitioner has no *locus standi* to maintain this writ petition. It is also stated that the award amount has also been deposited in the Treasury.

4.This Court considered the rival submissions made on either side and perused the materials placed on record.

5.It is an admitted fact that the petitioner's land in S.F.No.235/1, 2 of Kosapalayam, Kalvarpathi Village, to an extent of 2.13.5 hectares was acquired by the Government, as per Award



No.17/97-98 (Roc.1876/96/A), dated 31.12.1997, by following due process of law. 4(1) Notification challenged by this petitioner in W.P.No.12113 of 1998 also dismissed by this Court. Having lost in that proceedings, the petitioner cannot maintain this writ petition for a Mandamus. It is also reported that the award amount has also been deposited in the Treasury, during 1997 itself.

6.In view of the above, this writ petition is liable to be dismissed and accordingly, this writ petition is dismissed with a liberty to the petitioner to withdraw the award amount deposited in the Treasury, if he is so advised. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

To

1.The Secretary,
Adi Dravidar and Social Welfare Department,
Chief Secretariat,
Fort St.George,
Chennai.

2.The District Collector,
Dindigul District,
Dindigul.

3.The Special Tahsildar,
(Adi Dravidar Welfare Zone -2),
Office of the Special Tahsildar,
Palani,
Dindigul District.

+1 CC to M/s.SPL.GP (SR-16852[F] dated 06/04/2022)

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MP(MD) No.1 of 2009

05.04.2022

__RD(16.06.2022) 3P 5C