



W.P(MD)No.14127 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.09.2022

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.14127 of 2013

1.Niraimathi Naicker
2.Gurusamy Naicker
3.Sakkava Naicker

... Petitioners

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary to Government,
Irrigation Department,
Fort St.George,
Chennai-600 009.

2.The Special Tahsildar,
Land Acquisition,
Rajapalayam,
Virudhunagar District.

... Respondents

3.The Commissioner of Panchayat Union,
Rajapalayam,
Virudhunagar District.

... Proposed Respondent

*(Respondent No.3 is impleaded vide Court order, dated
02.08.2018 in W.M.P(MD)No.15240 of 2018)*



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the respondent in his Letter (MS)No.49, dated 21.06.2012, quash the same and direct the respondents to re-convey the 21 cents land in S.No.405/C6, Samsikapuram, Kothainachiyapuram, Rajapalayam Taluk, Virudhunagar District under section 48-B of the Land Acquisition Act and pass further or other orders as this court.

For Petitioners : M/s.S.Venkatesh

For R-1 & R-2 : M/s.B.Saravanan
Additional Government Pleader

For R-3 : No appearance

ORDER

The present Writ Petition has been filed challenging an order passed by the respondent herein, under which, the request of the writ petitioners for reconveyance of the already acquired land has been rejected.

2. According to the petitioners, the lands in dispute were acquired by the respondent herein for the purpose of construction of lower level reservoir in the year 1987. So far the acquired lands have not been



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utilized for the said purpose and possession is retained by the writ petitioners. Hence, they have requested for reconveyance of the said land. By way of an impugned order, the respondent has held that the acquired land is being in active use of the requisitioning body and it is required for public purpose in future by the Commissioner of Panchayat Union, Rajapalayam. On the above said reason, the request for reconveyance of the land has been rejected by the respondent herein. Since the acquisition has been made for the public purpose of construction of lower level reservoir, the petitioners being a resident of the said Village have been excommunicated for opposing the said public project. Because of the said reason, the petitioners now seeks permission of this Court to withdraw the writ petition in order to maintain harmony in the said village. The reason assigned by the petitioners seems to be reasonable. Hence, permission is granted for withdrawal of the above said writ petition. However, the petitioners are at liberty to revive their request for reconveyance of the land in future, if they are so advised.



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3. With the above said observations, the writ petition stands disposed of. There shall be no order as to costs.

20.09.2022

Index : Yes / No
Internet : Yes / No
btr

To

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R.VIJAYAKUMAR, J.

btr

Order made in
W.P(MD)No.14127 of 2013

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