



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.[MD]No.4043 of 2022

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Gururaj

... Petitioner

Vs.

1.The Director,
National Commission for Schedule Caste,
2nd Floor Block - 5, Shastri Bhavan,
Chennai - 6.

2.State of Tamil Nadu,
Represented by its Secretary,
Secretariat,
Fort St. George,
Chennai - 600 009.

3.The District Collector,
Tiruchirapalli District,
Tiruchirappalli.

... Respondents

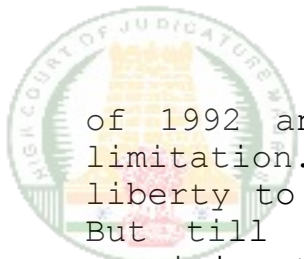
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to acquire the land and to grant patta to the petitioner for residence based on the petitioner's representation dated 29.01.2022 within stipulated time.

For Petitioner : Mr.T.A.Ebenezer
For Respondents : Mr.M.Lingadurai
Special Government Pleader

O R D E R

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to acquire the land and to grant patta in favour of the petitioner for his residence based on the petitioner's representation dated 29.01.2022 within a time frame to be fixed by this Court.

2.It is the case of the petitioner that his forefathers were labourers in a Leather Factory. The owners of the leather factory have been given lands for the labourers to reside. Subsequently, the owners requested the Government to acquire the lands and grant patta for their labourers to reside since they belong to Scheduled Tribes community. Based on the request, the Government made a notification and declaration under Section 4 of the Land Acquisition Act, 1894. One of the owners challenged the said notification in W.P.No.10552



of 1992 and got the order of land acquisition cancelled due to limitation. In the said writ petition, this Court had granted liberty to the Government to proceed by its order dated 03.02.2000. But till date, the Government has not started the process of acquiring the lands once again.

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3. According to the petitioner, due to the non-acquisition of the lands for the purpose of providing accommodation to the labourers, thirty houses of the residents have already been demolished. The apprehension of the petitioner is that his house will also get demolished soon. Hence, he has made a representation on 29.01.2022 to the respondents requesting them to acquire the land and grant patta in favour of the petitioner. Since the said representation has not been considered till date, the petitioner has filed this writ petition.

4. Heard Mr.T.A.Ebenezer, learned Counsel appearing for the petitioner and Mr.M.Lingadurai, learned Special Government Pleader who accepts notice on behalf of the respondents.

5. On instructions, learned Special Government Pleader would submit that the acquisition pertains to the year 1992 which has been dropped subsequently. He would also submit that the petitioner has approached this Court belatedly after long lapse of almost thirty years. Learned Special Government Pleader would further submit that the petitioner's representation cannot be considered at this stage after a long lapse of thirty years. However, he would submit that if the petitioner's case is feasible, the Government will definitely consider the petitioner's case in public interest on its own motion uninfluenced by the order of this Court. The said statement is recorded.

6. Learned Counsel for the petitioner is also satisfied with the statement made by the learned Special Government Pleader.

7. After recording the statement made by the learned Special Government Pleader for the respondents that the petitioner's representation cannot be considered at this stage after a long lapse of thirty years and after recording the statement that the Government will consider the petitioner's case if it is feasible on its own motion uninfluenced by any decision of this Court, this Writ Petition is disposed of. There shall be no order as to costs.

Sd/-

Deputy Registrar (A/Cs)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)



NOTE: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

- 1.The Director,
National Commission for Schedule Caste,
2nd Floor Block - 5, Shastri Bhavan,
Chennai - 6.
- 2.The Secretary,
State of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 3.The Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Fort St. George,
Chennai - 600 009.
- 4.The District Collector,
Tiruchirapalli District,
Tiruchirappalli.

+1 CC to M/s.SPL GP (SR-10612[F] dated 08/03/2022)

ORDER MADE IN
W.P. [MD]No.4043 of 2022
07.03.2022

sb(CO)
TR(18.03.2022) 3P 6C