



WEB COPY

W.P.(MD).No.7740 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.04.2022

CORAM

THE HONOURABLE MR. JUSTICE ABDUL QUDDHOSE

W.P. (MD) .No.7740 of 2022

and

W.M.P. (MD) .No.5830 of 2022

A.Razak

... Petitioner

Vs.

1.The Commissioner,
Adi Dravidar and Tribal Welfare Commission,
Directorate,
Chepauk,
Chennai.

2.The District Collector,
Thenkasi District,
Thenkasi.

3.The District Revenue Officer,
Thenkasi District,
Thenkasi.

4.The Revenue Divisional Officer,
Thenkasi,
Thenkasi District.

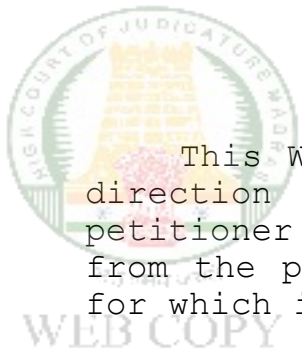
5.The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Thenkasi,
Thenkasi District.

6.The Tahsildar,
Senkottai Taluk,
Thenkasi 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 return petitioner land after receipt of compensation amount paid to petitioner on 29.03.2004 by disposing petitioner's representation on 21.02.2022 within the time limit that may be stipulated by this Court.

For Petitioner	:	Mr.D.Selvanayagam
For Respondents	:	Mr.M.Lingadurai, Special Government Pleader.



ORDER

This Writ Petition has been filed for a Mandamus seeking for a direction to the respondents to revert the land back to the petitioner on the ground that the land which was earlier acquired from the petitioner's vendor has not been utilized for the purpose for which it was acquired.

2. The petitioner has given a representation on 21.02.2022 for the aforementioned purpose.

3. However, the learned Special Government Pleader appearing for the respondents would submit that the lands which were earlier acquired have already been assigned to various parties.

4. This Court is of the considered view that no prejudice would be caused to the respondents, if the petitioner's representation given, as per the provisions of Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the rules corresponding to the said Section, is considered on merits and in accordance with law, after affording a fair hearing to the petitioner, within a time frame to be fixed by this Court.

5. For the foregoing reasons, this Court directs the second respondent to consider the petitioner's representation dated 21.02.2022 seeking for return of the unutilized land as per the provisions of Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the corresponding rules in respect of the land comprised in Survey No.194/4 measuring a total extent of 53 cents in Kanakapillai Valasai Village, Thenkasi Taluk, Thenkasi District and pass final orders on merits and in accordance with law, after affording a fair hearing to the petitioner including granting him the right of personal hearing, within a period of six (6) months from the date of receipt of a copy of this order.

6. With the aforesaid direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Lm



To

1.The Commissioner,
Adi Dravidar and Tribal Welfare Commission,
Directorate,
Chepauk,
Chennai.

2.The District Collector,
Thenkasi District,
Thenkasi.

3.The District Revenue Officer,
Thenkasi District,
Thenkasi.

4.The Revenue Divisional Officer,
Thenkasi,
Thenkasi District.

5.The Special Tahsildar,
Adi Dravidar and Tribal Welfare,
Thenkasi,
Thenkasi District.

6.The Tahsildar,
Senkottai Taluk,
Thenkasi District.

+1 CC to M/s.D. SELVANAYAGAM, Advocate (SR-21385[F] dated
26/04/2022)

+1 CC to M/s.SPL.GP (SR-20907[F] dated 25/04/2022)

W.P. (MD) .No.7740 of 2022
22.04.2022

MGJ(16.05.2022) 3P 9C