



W.P.(MD).No.19411 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **07.07.2022**

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.19411 of 2014

and

M.P(MD)No.1 of 2014

M.Subbiah

... Petitioner

Vs.

1.The District Collector,
Madurai District,
Collectorate Complex,
Madurai-625 020.

2.The Special Tahsildar (L.A),
Adi Dravidar Welfare Department Unit-1,
Collectorate Complex,
Madurai-625 020.

... Respondents

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 relating to the order passed by the second respondent in his Proceedings Na.Ka.No.2690/97/A dated 25.10.2012 and quash the same and further direct the second respondent to reconvey the petitioner land situated in Survey No.51/3B and in Survey No.51/4A situated at Konapatti Village, Vadipatti Taluk, Madurai District to the petitioner.



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For Petitioner : Mr.A.N.Ramanathan
for K.Sivabalan

For Respondents : Mr.P.Thanmi Durai
Government Advocate
for R1 and R2

ORDER

The present writ petition has been filed challenging an order passed by the second respondent herein, under which a request of the petitioner for reconveyance of the land has been rejected.

2. According to the learned counsel for the petitioner, his lands were acquired under Tamil Nadu Acquisition of land for Harijan Welfare Schemes Act, 1978. The said acquisition was challenged by the writ petitioner by way of W.P.No.13946 of 1999. The High Court of Madras by its order, dated 04.12.2001 quashed the 4(1) notification, dated 02.12.1997 under the Act and granted liberty to the authorities to proceed afresh, if they are advised to do so. It is an admitted fact that even as on today, the respondent authorities have not initiated any fresh acquisition proceedings. Once the acquisition proceedings were quashed by the Court, the title of the petitioner gets restored and there is no question of



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approaching the respondent authorities for reconveyance of the land. The writ petitioner continues to be the owner of the land, which is the subject matter of the present writ petition. Hence, the prayer in the writ petition has not been happily worded.

3. The second respondent has further observed in the impugned order that patta has been granted to some of the persons based upon the 4(1) notification, which was quashed by the High Court of Madras. Any patta granted pursuant to the notification, which was quashed by the High Court is null and void and the said patta cannot confer any title or right to be in possession for those persons.

4. In view of the above said facts, the order impugned in the writ petition is set aside. The writ petitioner is at liberty to initiate appropriate legal proceedings to take possession of his property in a manner known to law. In case of initiation of such legal proceedings, the period spent during the pendency of the writ petition shall stand excluded.



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5. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR ,J.

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