



W.P(MD).No.4344 of 2014

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

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THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P(MD)No.4344 of 2014

and

M.P(MD) No.2 of 2014

P.Prabhakaran

... Petitioner

Vs.

1.The Special Tahsildar,
(Land Acquisition),
Adi Diravider Welfare),
Sivagangai, Sivagangai District.

2. The Sub-Registrar,
Thirupuvanam,
Sivagangai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, calling for the records pertaining to the impugned proceedings of the first respondent herein dated 11.02.2013 made in Na.Ka.Aa.293/1993, and quash the same.

For Petitioner : Mr.G.Mohan Kumar

For Respondents : Mr.V.Om Prakash
Government Advocate



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ORDER

The present Writ Petition has been filed to quash the order passed by the first respondent, dated 11.02.2013, made in Na.Ka.Aa.293/1993.

2. Heard Mr.G.Mohan Kumar, learned Counsel appearing for the petitioner and Mr.V.Om. Prakash, learned Government Advocate appearing for the respondents.

3. The learned Counsel appearing for the petitioner would submit that the land in Survey Nos.3-1B and 3-1A1 in Nellmudikarai Village, Sivagangai Taluk, measuring an extent of 1.79.5 Hectares, was sought to be acquired by the first respondent under the provisions of Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978.

4. Challenging the said acquisition proceedings, the vendor of the petitioner had approached this Court by filing W.P.No.645 of 1997. The said Writ Petition came to be allowed, but, however with liberty to the first respondent to proceed afresh from the stage, at which, the irregularity had



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occurred. The said order came to be passed by this Court, on 17.12.2003. He would further submit that thereafter, no further proceedings have been initiated pursuant to the order passed in the Writ Petition. But, suddenly, by the impugned proceedings, the first respondent had written the communication to the second respondent on 11.02.2013 calling upon him not to entertain any registration of documents in respect of Survey Nos.3-1B and 3-1A1 in Nellmudikarai Village, Thiruvankadam Taluk, Sivagangai District, on the pretext that there is a proposal to initiate land acquisition proceedings for grant of free house site pattas for the benefit of Adi Dravidar People living in the locality. He would contend that even though the proceedings were initiated in 1996, it had been quashed with liberty to the first respondent to continue the said proceedings. No further proceedings have been initiated. There is also no fresh notification for acquisition of the lands. Therefore, the impugned communication is without any authority whatsoever. On that ground, this Court has to interfere with the order impugned in the Writ Petition.

5. The learned Counsel would submit that even though the proceedings were originally initiated under Section 4(1) of the Act, the same

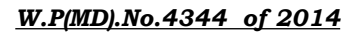


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has been quashed, due to certain infirmities and the first respondent was permitted to continue the acquisition. But, however, the same has not been continued. Thereafter, a fresh notification under Section 4(2) of the Act was issued on 14.09.2010 and enquiry was also conducted on 27.09.2010.

6. When this Court questions as to what is the finding of the said proceedings, the learned Government Advocate appearing for the respondents, on instructions, submits that the same has not been proceeded in his favour in the impugned communication.

7. I have considered the rival submissions. The impugned communication was issued on 11.02.2013 on the pretext that there is a proposal to acquire the lands. Even after passing nine (9) years, no such proposal has fructified. The right of an individual to deal with the property cannot be scuttled by giving such communications taking that there is a proposal for acquisition. Had the acquisition proceedings been initiated, the first respondent would be the authority to issue such communication, so that, the third parties are not effected.



9. Therefore, this Writ Petition stands allowed and the impugned communication, dated 11.02.2013 made in Na.Ka.Aa.293/1993 is set aside. No costs. Consequently, connected Miscellaneous Petition is closed.

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K.KUMARESH BABU, J.

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