



WEB COPY

W.P.(MD)No.412 of 2017:

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.06.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)Nos.412 & 7193 of 2017

and

W.M.P(MD)Nos.329 & 5672 of 2017

W.P. (MD)No.412 of 2017:

1.Kasilinga Nadar
2.K.Vijayaragavan

... Petitioners

Vs

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Aadhi Dravidar and Tribal Welfare Department,
Land Acquisition,
Secretariat,
Chennai - 9.

2.The Special Tahsildar,
(Land Acquisition),
Aadhi Dravidar and Tribal Welfare,
Nanguneri Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to re-convey and transfer the petitioners' properties situated in Survey No.496/2 measuring 0.39.0 Ares, 497/3F measuring 0.18.5 Ares, 497/3G measuring 0.16.0 Ares at Seevalaperi Village, Nanguneri Taluk, Tirunelveli District in the name of the petitioners.

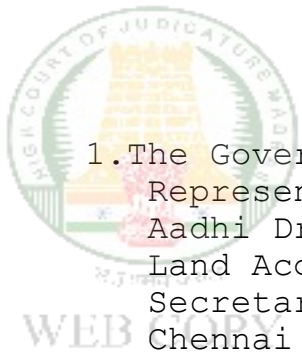
For Petitioners : Mr.R.Aravindraja

For Respondents : Mr.M.Saranga
Additional Government Pleader

W.P. (MD)No.7193 of 2017:

Kasilinga Nadar

... Petitioner



1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Aadhi Dravidar and Tribal Welfare Department,
Land Acquisition,
Secretariat,
Chennai - 9.

2.The Special Tahsildar,
(Land Acquisition),
Aadhi Dravidar and Tribal Welfare,
Nanguneri Taluk,
Tirunelveli District.

3. The Revenue Inspector-Ervady
Office of the Tahsildar, Nanguneri,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of the impugned order dated 12.04.2017 passed by the second respondent and quash the same as illegal.

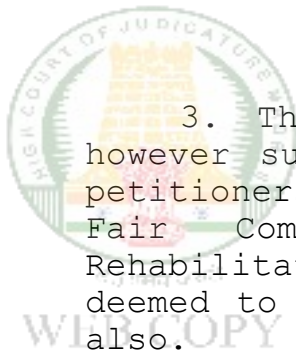
For Petitioner : Mr.R.Aravindraja

For Respondents : Mr.M.Sarangan
Additional Government Pleader

COMMON ORDER

Heard the learned counsel on either side.

2. The petitioners' lands were acquired for the purpose of Adi Dravidar Welfare. The acquisition proceedings took place wayback in the year 1991. The petitioners unsuccessfully challenged the said proceedings. In the year 2008, the petitioners once again moved the authority for reconveyance. The authority rejected the petitioners' request. Questioning the same, the petitioners filed W.P(MD)No.7689 of 2009. The said writ petition was dismissed on 22.04.2014. In the said order, it was specifically observed that even though the purpose, for which, the land was acquired no longer exists, still as per Section 48 (b) of the Land Acquisition Act, 1894, the acquired lands can be utilized for the purpose for which it was acquired or for any other purpose. When the petitioners' request for reconveyance was already rejected, the question of maintaining one more writ petition does not arise.



3. The learned counsel appearing for the petitioners would however submit that the possession of the land is still with the petitioners and therefore, in view of the Section 24 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the proceedings should be deemed to have lapsed. I do not find any merit in his contention also.

4. As rightly pointed out by the learned Additional Government Pleader appearing for the respondents, the Hon'ble Supreme Court in ***Indoor Development Authority Vs Manoharlal and others reported in (2020) 8 SCC 129***, categorically held that the theory of lapse can be invoked only when the twin conditions, namely, the non-taking of possession and non-deposit of compensation amount are fulfilled. In this case, though on ground possession may be with the petitioners herein, it is not in dispute that the compensation amount was already deposited. Therefore, Section 24 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, will not come to the rescue of the petitioners. Look at from any angle, no case is made out for granting relief. Both the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/07/2022

Sub Assistant Registrar(CS)

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To

1.The Government of Tamil Nadu,
Represented by the Secretary to Government,
Aadhi Dravidar and Tribal Welfare Department,
Land Acquisition,
Secretariat,
Chennai - 9.

2.The Special Tahsildar,
(Land Acquisition),
Aadhi Dravidar and Tribal Welfare,
Nanguneri Taluk,
Tirunelveli District.



3. The Revenue Inspector-Ervady
Office of the Tahsildar, Nanguneri,
Tirunelveli District.

+1 CC to M/s.SPL.GP (SR-27431[F] dated 22/06/2022)

W.P. (MD) No.412 of 2017
21.06.2022

RD(01.07.2022) 4P 5C