



W.P.No.19157 of 2008

file of the 1st respondent in proceedings no K1/25724/2008, 21.06.2008, and published in Tiruvanamalai District gazette notification No. 42 dated 30.06.2008.

For Petitioners : Mr.Sunny Sheen Akkara for
Mrs.V.Srimathi

For Respondents : Mr.T.Arun Kumar,
Additional Government Pleader

ORDER

The notification issued, under the Tamil Nadu Harijan Welfare Land Acquisition Act 31 of 1978, is under challenge in the present writ petition.

2. The lands were acquired for the benefit and welfare of the Adi Dravida People of that locality. The writ petition has been filed challenging the 4(1) notification issued.

3. The learned counsel for the petitioners made a submission that they are not the owners of the land and the land must go to petitioner's (Muthukrishnan- deceased, P1) grandsons as per the Will executed by the father of the writ petitioner (P1). However, it is not in dispute that the



W.P.No.19157 of 2008

lands belonging to the petitioner's family were acquired. Whether the petitioners are interested parties or not, is one aspect of the matter and when the petitioners state that they are not the owners of the land then they have no locus to move the present writ petition.

4. The learned Additional Government Pleader made a submission that the notification was issued in the name of the writ petitioner (P1) as he is the interested person. Though the Will executed by the grandfather of the writ petitioner (P1) states that the lands must go in favour of the grandson, the petitioner is to be construed as an interested person for all purposes and accordingly, notification was issued in the name of the writ petitioner(P1). That apart, initiation of acquisition proceedings under Section 4(1) of the Act cannot be challenged and it is for the petitioners to raise their objections in response to the notification.

5. In the present case, the process has already been concluded and an award was passed and the lands were acquired. If at all, the petitioners are in possession of the land, they are to be construed as an encroachers, and the land absolutely vest with the Government after completion of the acquisition proceedings.



W.P.No.19157 of 2008

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6. This being the factum, the writ petition is devoid of merits and stands **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

7. On account of the pendency of the writ petition, the award has not been notified and the respondents are at liberty to proceed with the notification by following the procedures as contemplated.

26.09.2023

Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To

1. The District Collector,
Tiruvannamalai,
2. The Special Tahsildar,
Adi Dravida Welfare, Polur,
Tiruvannamalai.



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W.P.No.19157 of 2008

S.M.SUBRAMANIAM. J.,

(sha)

W.P.No.19157 of 2008

26.09.2023