



W.P.No.14020 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14020 of 2023

and

W.M.P.Nos.13650 and 13651 of 2023

1. S.Raja@Kannadi Raja
2. G.Palaniappan
3. V.Palanisamy
4. P.Devarajan
5. L.Govindan
6. K.Krishnan
7. Thirupathi
8. P.Nagendran
9. Ramesh
10. Nataraj
12. Madhaiyan
12. Ramasundaram
13. Kandan
14. Venkatesh
15. Vadaman
16. Annamalai
17. Raman
18. Raja
19. Palanisamy

... Petitioners



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Vs.

1. The Chief Secretary,
The State of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2. The Secretary,
Adi Dravidar Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat,
Chennai - 600 005.

3. The District Collector,
Salem District,
Salem - 636 601.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the third respondent to lay the road across Field No.6 of Kottachedu Village, Shevaroy Hills, Yercaud Taluk, Salem District.

For Petitioners : Mr.V.Raghavachari
Senior Counsel
for Ms.V.Srimathi

For Respondents : Mr.E.Veda Bagath Singh
Special Government Pleader



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ORDER

W.M.P.No.13650 of 2023 has been filed to permit the petitioners to file the Writ Petition jointly since the petitioners are Tribals. Considering their economical condition, this petition is ordered without Court fee.

2. This Writ Petition has been filed for a direction to the third respondent to lay the road across Field No.6 of Kottachedu Village, Shevaroy Hills, Yercaud Taluk, Salem District.

3. The case of the petitioners is that the petitioners are Tribals residing at Kottachedu Village, Chevarayan Hills, Maramangalam Panchayat, Yercaud Taluk, Salem District. The petitioners are representatives of 18 Villages and the third respondent is employing brutal force against the members of the scheduled tribes and attempting to violate the earlier proceedings to lay a road from Field No.33 to Field No.10 running across Field No.34, 28, 20, 21, 19, 6 and 10 before it reaches Narttanchedu Village. On earlier occasion, a Public Interest



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Litigation was filed before the 1st Bench of this Court at the instance of one Balu in W.P.No.11971 of 2019 and this Court by order dated 17.02.2020 directed the District Collector to submit a proposal for acquisition of land for the laying out of the road to the State Government and it will be open to the State Government to consider any such proposal in accordance with law, however without prejudice to the rights of any private owner of the land to seek his remedy or contest the matter before the appropriate forum. Subsequently, the District Collector has not taken any steps, pursuant to which, the Adi Dravidar Tribal Welfare Department initiated the proceedings for acquiring the lands in Field No.6 which was owned by the private estate owner. When the acquisition process is pending, the District Collector had taken a different view to lay the road in Field No.7 which was allotted by the State Government in favour of the tribals. Hence, the present Writ Petition has been filed with the aforesaid prayer.

4. The learned Senior counsel appearing for the petitioners would submit that the petitioners have filed a detailed representation on



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18.03.2023 in terms of the order passed by the Division Bench of this Court in the above Writ Petition for acquiring the land in Field No.6 and lay the road and till date, the representation has not been considered by the District Collector. Hence, it would suffice, if this Court may issue a direction to the District Collector to consider the representation of the petitioners and pass appropriate orders and till such time, the District Collector shall be restrained to lay the road in Field No.7.

5. The learned Special Government Pleader appearing for the respondents would submit that the representation will be considered in accordance with law.

6. Heard the learned counsel counsel appearing for the parties and perused the materials placed before this Court.

7. A perusal of the order of the Division Bench reveals that the Division Bench has passed a detailed order for acquisition of the land and



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pursuant to which, the Special Tahsildar, Salem initiated the proceedings for the land acquisition vide notice dated 27.10.2020. However, it appears that the land acquisition has not been completed though notice inviting written objections addressed to the Special Tahsildar (Harijan Welfare), Salem appointed under Section 4(2) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 and the Tamil Nadu Land Acquisition Laws (Revival of Operation Amendment and Validation) Act, 38/2019.

8. In view of the above, there is some considerable force in the representation of the learned Senior Counsel. Hence, this Court is inclined to issue a direction to the third respondent to consider the petitioners' representation dated 18.03.2023 after providing an opportunity of hearing to the necessary parties and pass appropriate orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order. Till such time, the third respondent / District Collector shall not take any coercive steps to lay the road in Field No.7.



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9. With the above observations and directions, this Writ Petition is disposed of. No costs. Consequently, connected W.M.P.No.13651 of 2023 is closed.

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NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

To

1. The Chief Secretary,
The State of Tamil Nadu,
Fort St.George,
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2. The Secretary,
Adi Dravidar Tribal Welfare Department,
Government of Tamil Nadu,
Secretariat,
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3. The District Collector,
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Salem - 636 601.



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M.DHANDAPANI,J.

vji

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and
W.M.P.No.13651 of 2023**

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