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W.P.No.512



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.5122 of 2017

and

W.M.P.Nos.5418, 5419 and 14025 of 2017

1.J.Muthulakshmi
2.S.J.Vasudevan

... Petitioners

Vs.

1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
Backward Classes, Most Backward Classes
and Minorities Welfare Department,
Fort. St.George, Chennai – 600 009.

2.The Revenue Divisional Officer,
Sankari, Salem District.

3.The Special Tahsildar,
Adi Dravidar Welfare,
Sankari, Salem District.

4.P.Mani
5.Chitra
6.A.Parasuraman
7.Saraswathi
8.Backiam
9.Santhi



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- 10.Periyakka
- 11.Prema
- 12.P.Ganesan
- 13.Lakshmi
- 14.S.Kandasamy
- 15.Ellappan
- 16.Mohan
- 17.K.Venkatesan
- 18.Periyannan
- 19.S.Chennakesavan
- 20.N.Kandasamy
- 21.S.Kandasamy
- 22.S.Periyasamy
- 23.A.Shanmugam
- 24.A.Ganesan
- 25.Thilagavathy
- 26.Uma
- 27.P.Velumani
- 28.M.Kalaimohan
- 29.M.Velumani
- 30.K.Palanisamy
- 31.K.Arumugam
- 32.E.Sekar
- 33.S.Nagarajan
- 34.T.Purushothaman
- 35.R.Sundaram
- 36.P.Anandan
- 37.Santhi
- 38.S.Murugan
- 39.Murali
- 40.A.Sekar
- 41.V.Murugan
- 42.P.Varadharajan
- 43.Thenmozhi
- 44.Aasha
- 45.Karumalai
- 46.K.Chinnusamy



- 47.C.Mani
- 48.R.Krishnamurthy
- 49.Santhi
- 50.Shanmugam
- 51.P.Manimaran
- 52.C.Madeswaran
- 53.N.Saravanan
- 54.S.Vaithi
- 55.Kala
- 56.S.Deepanraj
- 57.Arumugam
- 58.Vasantha
- 59.M.Nallathambi
- 60.S.Janakan
- 61.V.Raja
- 62.Muthulakshmi
- 63.K.Palanisamy
- 64.K.Manivasagam
- 65.K.Iyyappan
- 66.Mallika
- 67.Perumayee
- 68.Pushpa
- 69.M.Boopathi
- 70.Anandhan
- 71.Murugesan
- 72.A.Mathivannan
- 73.Samboornam
- 74.Sangumathi

... Respondents

[R4 to R74 impleaded vide order dated
13.06.2017 in W.M.P.No.11221 of 2017]

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent ending with its order in Letter No.5090/BC2(2)/2016-3 dated 16.02.2017 and quash the same and directing the respondent herein to return the



land admeasuring 1.94 acres in S.F.No.141/2A of Sankari Village, Salem District to the petitioners under Section 101 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Settlement Act, 2013.

For Petitioners	: M/s.Muhthumani Doraisami
For R1 to R3	: Mr.T.Arunkumar, Additional Government Pleader
For R4 to R74	: Mr.A.Yogaraj

ORDER

The order passed by the Government in Letter dated 16.02.2017, rejecting the request of the petitioner to re-convey the acquired land is under challenge in the present Writ Petition.

2. The writ petitioners were erstwhile owners of the subject land in S.F.No.141/2 of Sankari Village. The property belonged to the ancestral joint family and admittedly, the subject property was acquired by the Government for the benefit of assigning lands to homeless poor people.

3. It is not in dispute between the parties that the lands were acquired in the year 1984 and compensation was deposited in the appropriate forum. Further it is not in dispute between the parties that the erstwhile land owners have instituted



litigation before the High Court and legal proceedings have ended in the year 1999. After reaching finality, Patta was issued to the assignees by the Competent Authorities of the Revenue Department on 15.02.1999.

4. The learned counsel for the petitioners mainly contended that the official respondents have granted assignment in favour of ineligible persons and the lands assigned were not utilized for the purpose for which it was assigned. Construction of houses are to be made within the period of six (6) months and even after a lapse of about 17 years, the beneficiaries have not constructed any house and violated the conditional assignment granted in their favour.

5. In this context, the learned counsel for the petitioners reiterated that under the provisions of the Land Acquisition Act, if the conditions are violated or the lands are not utilized for the purpose for which it was acquired for a continuous period of five years, then the said lands are to be re-conveyed to the erstwhile land owners under Section 101 of the New Act.

6. The learned Additional Government pleader raised an objection by stating that the New Land Acquisition Act of the year 2013 is not applicable to the facts



of the present case, since the entire acquisition proceedings were concluded in the year 1984 and only the litigations were pending up to the year 1999. Even in that case also, the petitioner is not entitled to claim re-conveyance of land based on the Land Acquisition Act of the year 2013.

7. The learned Government Pleader further made a submission that the lands acquired was assigned to poor landless Barber Community people for construction of houses in the year 1999 itself. After completion of the acquisition proceedings in entirety, assignments were made by imposing condition. The beneficiaries have taken possession of their respective portion of house sites and therefore, the question of re-conveyance at this juncture would not arise at all.

8. The learned counsel appearing on behalf of the assignees made a submission that the litigations are pending for long years and therefore, some of the beneficiaries are not in a position to construct houses within a period of six (6) months, as stipulated in the conditional assignment order.

9. Considering the arguments, this Court is of the considered opinion that the acquisition proceedings admittedly had concluded in the year 1984. The



litigations instituted between the parties ended in the year 1999 and Patta was granted in favour of the beneficiaries and they have taken possession of their respective portion of house sites. Pertinently, conditional assignment was granted to poor homeless Barber Community People and therefore, the purpose for which the land was acquired cannot be disputed.

10. With reference to the allegations raised by the petitioner that the assignment was granted in favour of ineligible members of a particular Community, the 3rd respondent is directed to conduct an enquiry and ascertain the eligibility of the beneficiaries and if they are already in possession of the property / cannot be construed as a poor person, the assignments granted in their favour are to be cancelled and such portion of house sites are to be re-assigned to other eligible persons, who all are landless poor people and the object for which the land was acquired at no circumstances be defeated. If ineligible persons, by suppressing the facts, obtained assignment of Government lands, then in the event of a complaint, an investigation is to be conducted and assignments granted in violation of ineligible persons are to be cancelled.



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11. The learned counsel for the petitioners raised serious allegation regarding violations committed by the beneficiaries in terms of conditional assignment order. The said factum also is to be verified and if the allegations are found to be true, then necessary actions are to be initiated immediately to cancel the assignment and re-assign the lands in favour of the homeless poor people. However, question of re-conveying the land does not arise, since the acquisition proceedings ended in the year 1984 and the lands absolutely vest with the Government. The Government granted conditional assignment to some of the beneficiaries and if at all the conditions are violated, the Government is empowered to cancel the assignment and re-assign the lands to eligible poor homeless people, as per the Schemes in force.

12. In view of the facts and circumstances, the respondents 1 to 3 are directed to initiate all appropriate actions to verify the eligibility of assignments in the present case and if it is found that the beneficiaries are not eligible or violated the conditions of the assignment, then such assignments are directed to be cancelled and the lands are to be re-assigned to other eligible homeless people by following the procedures as contemplated. As far as the relief sought for by the petitioner is concerned, the same cannot be granted.



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13. Accordingly, the Writ Petition stands disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

21.09.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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Backward Classes, Most Backward Classes
and Minorities Welfare Department,
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S.M.SUBRAMANIAM, J.

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