



W.P.No.29071 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29071 of 2023

1. V.Kousalya
W/o.Vignesh

2. A.Gowri
W/o.Anbazzhagan

... Petitioners

versus

1. The District Collector,
Cuddalore District,
Cuddalore.

2. The Superintendent of Police,
Cuddalore District,
Cuddalore.

3. The Special Tahsildar (ADW),
Cuddalore Taluk,
Cuddalore District

...Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the representation submitted by the petitioners for taking appropriate steps for



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acquisition of land in S.Nos.45/7A and 45/7B Panangattu Colony, Thottapattu Village, Kondur Area, Cuddalore Taluk, under the provisions of Tamil Nadu Acquisition of land for Harijan Welfare Scheme Act, 1978 for providing free house site patta to the Adi Dravidars including the petitioners in occupation of land in S.Nos.45/7 and 45/7B with residential huts, within a time frame.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.V.Veluchamy
Additional Government Pleader
for R1 and R3
Mr.S.Sugendran
Additional Government Pleader
for R2

ORDER

This writ petition has been filed for a direction to the respondents to consider the representation submitted by the petitioners for taking appropriate steps for acquisition of land in S.Nos.45/7A and 45/7B Panangattu Colony, Thottapattu Village, Kondur Area, Cuddalore Taluk, under the provisions of Tamil Nadu Acquisition of land for Harijan Welfare Schemes Act, 1978 (Act 31/1978) for providing free house-site Patta to the Adi Dravidars including the petitioners in occupation of land in S.Nos.45/7 and 45/7B with residential huts, within a time frame.

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2. The learned counsel for the petitioner submitted that the petitioners are the beneficiaries of the said Scheme framed by the Government of Tamil Nadu to issue free house-site Patta to the shelter-less poor belonging to Adi Dravidar Community. The Revenue Department had initiated steps and issued Notification for acquisition of lands comprised in S.No.45/7 and 45/7B to an extent of 0.74.0 hectare, Panangattu Colony, Thottapattu Village, Kondur Aread, Cuddalore Taluk, for which Notification under Section 4(1) of Tamil nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, was published in the District Gazette on 28.05.2013. The petitioners and other similarly placed persons belong to Scheduled Caste community, who have occupied 1.5 cents extent of land each and had put up a thatched shed. While so, the land owners filed WP No.18497 of 2014., etc., batch challenging the notice issued by respondents under the provisions of Tamil Nadu Acquisition of land for Harijan Welfare Schemes Act. This Court on 27.07.2022, allowed the said writ petition and directed the concerned District Collector to find out the requirements for having the land to be acquired, shall be decided by the respondents with



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subjective satisfaction as mandated under Section 4(1) of the said Act.

Therefore, on coming to know of the orders passed in the writ petition, the petitioners and others have approached the respondents by submitting joint representation dated 22.12.2022, with a request to take appropriate action for acquiring the land under the Act for providing free house-site Patta, based on the directions issued by this Court. The Special Tahsildar (ADW) also issued proceedings in Na.Ka.No.Aa/944/2004, dated 09.12.2022 forwarding the proposal to the District Collector concerned for the purpose of initiating fresh proceedings for acquisition of land under the said welfare Act. That apart, it was brought to the notice of the authorities that the land owners, inspite of Court proceedings, were making attempts to encumber the properties. In the said circumstances, the District Registrar concerned conducted enquiry on 27.07.2022 as per notice dated 25.07.2022. While so, the land owners made a complaint before the Police on the premise that the occupants within the subject lands are required to be vacated. The petitioners in this regard, had submitted a representations dated 30.08.2023 and 14.09.2023, seeking patta for free house-site. Since no action had been taken by the respondents, the present writ petition has been filed before this



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Court.

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3. The Counter affidavit dated 31.10.2023 has been filed by the respondents 1 to 3. The relevant portions of the counter affidavit are extracted hereunder :-

4. It is submitted that an extent of 0.74.0 Hectares in Survey No.45/7A and 45/7B of Thottapattu Village, Cuddalore Taluk was acquired for providing house sites to Adidravidar people and accordingly, notification under Section 4(1) was published in Tamil nadu Government Gazette dated 28.05.2013. Against the said acquisition of lands, the land owners filed WP No.18379 of 2013 and WP No.19856 of 2013 before this Court. In the above writ petitions, this Hon'ble Court passed orders on 27.07.2021 in WP Nos.18497 / 2014, W.P.No.830 , 1354, 1355/2015 5 and cancelled the 4(1) Notification and further directed that with regard to acquisition, if the District collector satisfies, fresh proceedings can be initiated to acquire the lands. It is submitted that at this



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stage, the land owners did not come forward for private negotiation to acquire the said lands and they were not willing to submit written objection or letter and hence, the land acquisition proceedings cannot be proceeded.

5. It is submitted that in the meantime, the local people have encroached the lands by putting huts. The land owners filed Contempt petition Nos.2836/2022, 426/2023, 748/2023 and 749 of 2023 before this Hon'ble Court. In the said contempt petitions, the Hon'ble Court passed orders on 26.07.2023 and issued directions to the Superintendent of Police, Cuddalore to provide necessary police protection for eviction of the said encroachments.

4. The learned Additional Government pleader appearing for the respondents submitted that the land owners did not come forward for private negotiation to acquire the land and they are not even willing to submit their written objections or letter and therefore, the authorities cannot proceed with the matter. The learned counsel further submitted that they are in the



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process of identifying alternative land(s) for providing free house-site Pattas and therefore, he prays for dismissal of this writ petition.

5. Even though the earlier Notification was issued under 3(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Rules, 1979, the same was quashed by this Court on 18.09.2013 in WP Nos.19856 and 18379 of 2013. The publication in the Gazette was released on 28.05.2014. For one reason or the other, the said publication was quashed by this Court on 27.07.2021 after eight years. Even while quashing the impugned order, this Court had given a further direction to the respondent to initiate fresh land acquisition proceedings in the manner known to law. The order was passed by this Court on 27.07.2021 in WP No.18497 of 2013 etc., batch and that the respondents have not taken effective steps so far to provide house-sites to the landless poor belonging to Adi Daravidar Community. Their communications only show that there were empty formalities and they are not actually intending to provide house-sites to the homeless poor. Now, they are sailing with the land owners and stating in the counter affidavit that they are going to take steps to find out an



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alternative site. Though the petitioners had made a representation even way back in the year 2013 and the notification under Section 4(1) of the Act, was published in 28.05.2013, the same notification was challenged before this Court, on technical grounds, this Court quashed the said Notification and also granted liberty to initiate fresh proceedings. In Paragraph 10 of the order, this Court made it clear that quashing the proceedings is only on technical grounds and the authority has to rectify the mistakes committed earlier and they have to go for fresh proceedings and acquire the lands and hand it over to the petitioners. Instead of doing so, they are sailing with the land owners. In order to give benefit to the land owners, they filed a counter affidavit in an irresponsible manner and therefore, the contention raised by the learned counsel for the respondents and the reasons stated in the counter affidavit are not acceptable.

6. Therefore, the respondents are now directed to initiate fresh proceedings as directed by this Court vide order dated 27.07.2021 in WP No.18497/2013 etc., batch and acquire the land(s) in the manner known to law and initiate fresh proceedings, as expeditiously as possible, within a



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period of two months from the date of receipt of a copy of this order, after following all the procedures as contemplated under the Act/Rules and the said exercise shall be completed within a period of one year and hand over the house-sites to the petitioners.

7. With the above observations, this writ petition stands allowed.

There shall be no order as to costs. WMP No.28656 of 2023 is ordered on payment of separate Court fees by each writ petitioners.

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Speaking/Non-speaking order

Index:Yes/No

Neutral Citation : Yes/No

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To

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Cuddalore.
2. The Superintendent of Police,
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P.VELMURUGAN, J.

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