



W.P.No.34620 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.34620 of 2022 and

W.M.P.No.34066 of 2022

K.Ammavasai

... Petitioner

Vs

1.The District Collector,
Thiruvannamalai District.

2.The Tahsildar,
Kottai Taluk, Vandhavasi,
Thiruvannamalai District.

3.The Special Tahsildar (Adi-Dravidar Welfare)
Vandavasi, Thiruvannamalai District.

4.The District Welfare Officer (Adi-Dravidar and
Schedule Tribes),
Vandavasi, Thiruvannamalai District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 to 3 to conduct enquiry and file a report with respect to laying road along the end of property adjoining the 'varappu'.

For Petitioner : Mr.S.Suresh

For Respondents : Mr.T.Arunkumar

Additional Government Pleader



W.P.No.34620 of 2022

ORDER

A writ of mandamus has been filed to direct the respondents 1 to 3 to conduct enquiry and file a report with respect to laying road along the end of the property belongs to the petitioner adjoining 'Varappu'.

2. The petitioner states that he is an agriculturist and a senior citizen. He owns an agricultural property situated at Kottai Village, Vandhavasi Taluk comprised in Survey No.11/1A1, 51/1A1, 51/1A3, 51/2, 51/7A1 measuring approximately 4 acres.

3. It is not in dispute between the parties that a portion of the land belonging to the petitioner was acquired by the Government for the purpose of creating pathway to reach the burial ground more specifically for Adi-Dravidar resided in that locality. The acquisition proceedings were concluded in the year 1981 and thereafter the petitioner challenged the land acquisition proceedings and failed.

4. The learned counsel for the petitioner made a submission that the



W.P.No.34620 of 2022

petitioner has not succeeded in the writ petition. However, this Court made an observation that 'any settlement between the parties cannot bind the Government which acquired the lands. However, in view of the fact that Adi Dravidars, for whose benefit, the lands are acquired, have themselves been a party to the said settlement, it is open to the petitioners to bring this to the notice of the Government and seek withdrawal of the acquisition proceedings.'

5. In the context of the observation, the learned counsel for the petitioner reiterated that an enquiry is going on. That apart, a Peace Committee Meeting was conducted between the parties. Be that as it may, this Court is of the considered opinion that the land was acquired by the Government more specifically to provide pathway to reach burial ground for the benefit of the Adi-Dravidar residing in that village. Pursuant to the acquisition proceedings in the year 1981, the Government has already laid roads and the Adi-Dravida people of that locality are using the road for the purpose of reaching the burial ground. This being the factum. The land acquired and the road formed for the purpose of reaching the burial ground



W.P.No.34620 of 2022

cannot be now interfered with by this Court at this length of time. Mere Peace Committee Meeting or enquiry would not prevent the Adi-Dravida People of that locality to utilise the road already formed by acquiring the land to reach the burial ground for their benefit and therefore, this Court is not inclined to grant the relief as sought for by the petitioner.

6. It is made clear that the Pucca Thar road to be created by the Competent Authorities in the acquired land without causing any undue delay so as to ensure that the Adi-Dravida people of that locality is benefited to reach the burial ground.

7. With the above observations, the Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

05.06.2023

Index : Yes/No
Speaking Order : Yes/No
Sgl

To

4/6



W.P.No.34620 of 2022

- 1.The District Collector,
Thiruvannamalai District.
- 2.The Tahsildar,
Kottai Taluk, Vandhavasi,
Thiruvannamalai District.
- 3.The Special Tahsildar (Adi-Dravidar Welfare)
Vandavasi, Thiruvannamalai District.
- 4.The District Welfare Officer (Adi-Dravidar and
Schedule Tribes),
Vandavasi, Thiruvannamalai District.



WEB COPY



W.P.No.34620 of 2022

S.M.SUBRAMANIAM, J.

Sgl

W.P.No.34620 of 2022

05.06.2023