



W.P.No.34158 of 2018 and Crl.O.P.No.17821 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.34158 of 2018 and Crl.O.P.No.17821 of 2019
and
W.M.P.No.39693 of 2018 and Crl.M.P.No.9028 of 2019

W.P.No.34158 of 2018:-

N.Subramani

...Petitioner

-Vs-

1. The District Collector,
Tiruppur District,
Tiruppur.
2. The District Revenue Officer,
Tiruppur District,
Tiruppur.
3. The Revenue Divisional Officer,
Kangayam,
Tiruppur District.
4. The Tahsildar,
Kangayam Taluk,
Tiruppur District.
5. Kittan
6. Azhakiri



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7. Anandhan
8. Muthusamy
9. Periyakadukan
10. Suppan
11. Chandhiran
12. Madheshwaran

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Mandamus, forbearing the respondents from disturbing the petitioner peaceful possession of the land in S.No.254/4 to an extent of 1.25 acres in Pullakalipalayam, Nelali Village, Kangeyam Taluk, Tiruppur District except in accordance with law

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for Mr.MA.P.Thangavel

For R1 to R4 : Mr.B.Vijay
Additional Government Pleader
For R5 to R8, R12 : Mr.Thiagarajan, Senior Counsel
for Mr.D.Veerasekaran
For R9, R11 : Mr.P.Mathivanan

CrI.O.P.No.17821 of 2019:-

N.Subramani

...Petitioner

-Vs-

1. The State,
represented by the Superintendent of Police,
Office of the Superintendent of Police,
Tiruppur.



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2. The State,
represented by the Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
Kangeyam, Tiruppur District.

3. The State
represented by the Circle Inspector of Police,
Kangeyam Police Station,
Kangeyam, Tiruppur District.

4. The State
represented by the Sub Inspector of Police,
Uthiyur Police Station,
Tiruppur District.

... Respondents

Prayer: Criminal Original Petition filed under Section 482 of Cr.P.C praying to issue a direction directing the respondents police to provide police protection for life of the petitioner and his family members to fence the property in SF.No.254/4 to an extent of 1.25 acres in Pullakalipalayam, Nelai Village, Kangeyam Taluk, Tiruppur based on the 03.07.2019 pending on the file of the respondents Police.

For Petitioner : Mr.V.Raghavachari, Senior Counsel
for Mr.MA.P.Thangavel

For Respondents : Mr.L.Baskaran
Government Advocate (Crl.side)



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COMMON ORDER

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The W.P.No.34158 of 2018 has been filed forbearing the respondents from disturbing the petitioner peaceful possession of the land in S.No.254/4 to an extent of 1.25 acres in Pullakalipalayam, Nelali Village, Kangeyam Taluk, Tiruppur District except in accordance with law.

2. The CrI.O.P.No.17821 of 2019 has been filed for direction directing the respondents police to provide police protection for life of the petitioner and his family members to fence the property in SF.No.254/4 to an extent of 1.25 acres in Pullakalipalayam, Nelai Village, Kangeyam Taluk, Tiruppur based on the 03.07.2019 pending on the file of the respondents Police.

3. The petitioner owned a property to an extent of 6.87 acres in the year 1995. The Government of Tamil Nadu intended to acquire 1.25 acres from the said property for the purpose of allotment of house sites to Adhidravidar people. The petitioner filed a suit in O.S.No.848 of 1985 on



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the file of District Munsif Court, Kangeyam seeking permanent injunction. Interim injunction was granted in favour of the petitioner. In the meanwhile, the land acquisition proceedings were completed and as such, the proceeding was challenged by the petitioner before this Court in W.P.No.12759 of 1988 and also obtained interim injunction. This Court passed final order on 09.02.1994 in W.P.No.12759 of 1988.

4. The relevant portion of the order dated 09.02.1994 in W.P.No.12759 of 1988 is as follows:

“ 4.Therefore, I have no difficulty in holding that the declaration under Section 6 dated 08.01.1988 is clearly hit by the second part of the first proviso to Section 6(1) of the Act and accordingly, it is quashed. Necessarily, I have to sustain the notification under Section 4(1) of the Act.

5. It is at this stage, I will have to refer to the fact that possession has been taken and handed over to the beneficiaries. If the beneficiaries are in possession of the lands it is up to the accordance with law. If however, the beneficiaries have not put up any construction on the subject lands, it is for the respondents to consider and decide whether fresh proceedings should be initiated or not. If no fresh proceedings are initiated within six weeks from today, the respondents are directed to hand-over the lands back to the petitioners. Certainly the petitioners cannot be dispossessed by virtue of illegal declaration under Section 6 of the Land Acquisition Act. The writ petition is allowed in the above terms. There will however, be no order as to costs.”



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5. Therefore, this Court had sustained the notification under Section 4(1) of the Land Acquisition Act. The second part of the first proviso to Section 6(1) of the said Act was quashed by this Court. It was further directed to the Commissioner and Secretary to Government, Social Welfare Department, Chennai and Special Tahsildar (Land Acquisition), Adi-Dravidar Welfare, Kangayam, to consider if the beneficiaries have not put up any construction on the subject lands, they have to decide whether fresh proceedings should be initiated or not. If not fresh proceedings have been initiated within a period of six weeks from the date of the order, they were directed to hand over the land to the petitioners viz., the land owners.

6. A perusal of the communication of the first respondent in W.P.No.34158 of 2018, dated 02.07.2019 revealed that after land acquisition proceedings, the beneficiaries namely respondents 5 to 12 in W.P.No.34158 of 2018 and others were allotted their respective house sites and they were issued patta from the subject land which was already acquired by the Special Tahsildar, Adi-Dravidar Welfare, Kangayam.



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However, they did not put any construction so far. Further, as directed by this Court, the acquisition authority did not proceed with the acquisition proceedings within a period of six weeks from the date of the order namely 09.02.1994. While being so, after a period of 22 years, the beneficiaries submitted an application before the Revenue Officials to permit them to put in possession. In fact, some of the beneficiaries died and their legal heirs submitted representation before the Revenue Officials. Pending representation, the beneficiaries attempted to take physical possession of their respective house plots. It was objected by the petitioner and as such, ordered to conduct Peace Committee meeting on 07.12.2018. However, no resolution was resolved in the Peace Committee Meeting. In the meanwhile, the petitioner approached this Court by way of this writ petition in W.P.No.34158 of 2018 forbearing the respondents from disturbing the petitioner peaceful possession of the land in S.No.254/4 to an extent of 1.25 acres in Pullakalipalayam, Nelali Village, Kangeyam Taluk, Tiruppur District except in accordance with law. Therefore, the Revenue Officials did not conduct any further meeting between the beneficiaries and the original land owner, in order



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to come for any conclusion.

7. The order passed by this Court is very clear that if the land acquisition proceedings was not initiated within a period of six weeks from the date of the order viz., 09.02.1994, the acquisition authority were directed to handover the lands to the land owner viz., the petitioner herein. Therefore, the respondents 1 to 4 in W.P.No.34158 of 2018 have no title or right over the property by showing the acquisition proceedings, since already the acquisition proceedings was quashed and ended in favour of the land owner viz., the petitioner herein.

8. Insofar as the beneficiaries are concerned, they also failed to approach the Revenue Officials after allotment of their respective house plots to put up any construction in the allotted house sites. Only in the year 2018, one of the legal heirs of the beneficiary approached the Revenue Officials seeking permission to put up construction. Whereas, six weeks time was lapsed even in the year 1994 itself. Therefore, the respondents 1 to 4 in W.P.No.34158 of 2018 are hereby restrained from



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disturbing the petitioners peaceful possession and enjoyment of the subject land comprised in S.No.254/4 to an extent of 1.25 acres in Pullakalipalayam, Nelali Village, Kangeyam Taluk, Tiruppur.

9. The beneficiaries including the respondents 5 to 12 in W.P.No.34158 of 2018 are at liberty to approach the revenue officials for allotment of free house site according to their present status and applicability, in accordance with law. If any beneficiary or other legal heirs attempted to disturb the peaceful possession and enjoyment of the said property of the petitioner, the petitioner shall approach the concerned jurisdictional Police seeking police protection. On receipt of the said request, the concerned jurisdictional Police is directed to provide adequate police protection to the petitioner's life to enjoy his property.

10. Accordingly, the Writ Petition stands allowed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.



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11. In view of the order passed in W.P.No.34158 of 2018, the Criminal Original Petition is also allowed. Consequently, connected Miscellaneous petition is closed.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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5. The Superintendent of Police,
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6. The Deputy Superintendent of Police,
Office of the Deputy Superintendent of Police,
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7. The Circle Inspector of Police,
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G.K.ILANTHIRAIYAN. J,

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