



W.P(MD)No.14443 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.09.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.14443 of 2011

and

M.P.(MD)No.1 of 2011

Chinnamuthu @ R.Muthu (died)

1.C.Malarkodi

... Petitioner

(P1 is substituted as vide order dated
17.07.2023 in W.M.P.(MD)No.14307 of 2023)

Vs.

1.The District Collector,
Madurai District,
Madurai.

2.The Special Tahsildar,
Adi Dravida Welfare Department,
Usilampatti Taluk.

3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the orders of the 2nd respondent passed in Na.Ka.No.1374/94/A dated 25.11.2011 and quash the same and also direct the respondents to reassess the land in S.No.



W.P(MD)No.14443 of 2011

280/2-0.60.0 Hectares and in S.No.281/2-0.87.5 Hectares to an extend of 0.93.5 - Hectares in Pothampatti Village, Usilampatti Taluk, Madurai District in favour of the names of the legal heirs of K. Ramasamy since there is no possibility of implementing the scheme of allotting house sites to Adi Dravidas for which purpose the land was acquired in the proceedings of the Respondent 2 in R.O.C.No.1374/94/A dated 17.04.1996.

For Petitioner : Mr.K.Ravi

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard both sides.

2. The writ petitioner passed away during the pendency of the writ proceedings. His son Malarkodi has been brought on record.

3. The prayer in the writ petition is for issuance of patta in respect of the petition mentioned land. The original writ petitioner had earlier filed W.P. (MD)No.8515 of 2011 for the very same relief. It was disposed of on 02.08.2011 with a direction to the authority to consider the representation. Pursuant to the said direction, the impugned order dated 25.11.2011 came to be passed rejecting the petitioner's request. Challenging the same, the writ petition came to be filed.

4. The learned counsel appearing for the petitioner reiterated all the



W.P(MD)No.14443 of 2011

contentions set out in the affidavit filed in support of the writ petition and called upon this court to set aside the impugned order and grant relief as prayed for.

5. The respondents have filed counter affidavit and the learned Additional Government Pleader took me through its contents.

6. I carefully considered the rival contentions and went through the materials on record.

7. The learned Additional Government Pleader submitted that the petition mentioned lands were acquired under Tamil Nadu Act 31 of 1978. The award was passed on 20.02.1996. Since ownership could not be fixed in April 1996, compensation amount was deposited in the First Additional Sub Judge, Madurai. The petitioner's grandmother Ulagammal questioned the acquisition proceedings only in the year 1996 by filing W.P.No.10365 of 1996. The Writ Petition was dismissed on 23.10.2002. It is well settled that the land acquired under the Tamil Nadu Act 31 of 1978 cannot be re-conveyed. Once notification under Section 4(1) of the Act is published, it vests with the Government free of all encumbrances.

8. In these circumstances, the writ petitioner's request is not feasible of compliance. Accepting the petitioner's request would run counter to the statutory scheme. The impugned order does not warrant interference.



WEB COPY



W.P(MD)No.14443 of 2011

G.R.SWAMINATHAN, J.

rmi

9. The Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

22.09.2023

Index : Yes / No

Internet : Yes/ No

rmi

To

1.The District Collector,
Madurai District,
Madurai.

2.The Special Tahsildar,
Adi Dravida Welfare Department,
Usilampatti Taluk.

3.The Special Tahsildar,
Adi Dravidar Welfare Department,
Madurai District.

W.P(MD)No.14443 of 2011



WEB COPY



W.P(MD)No.14443 of 2011

22.09.2023