



W.A(MD)No.1049 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MR.JUSTICE D.BHARATHA
CHAKRAVARTHY**

W.A(MD)No.1049 of 2023

and

C.M.P(MD)No.7987 of 2023

Muthumayan

... Appellant/Petitioner

Vs.

- 1.The Secretary to Government,
Social Welfare Department,
Secretariat,
Chennai - 600 009.
- 2.The Commissioner,
Hindu Religious and Charitable Endowments Department,
119, Uthamar Gandhi Salai,
Nungambakkam,
Chennai – 600 034.
- 3.The Commissioner,
Most Backward Class and denotified
Communities Welfare Department,
Ezhilagam, Chepauk,
Chennai – 600 005.
- 4.The District Backward Class Welfare Officer,
District Backward Class and Minorities Welfare Department,
Collectorate,
Madurai -625 020.



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5.The District Collector,
Collectorate,
Madurai – 625 020.

6.The Tahsildar,
Usilampatti Taluk,
Madurai District – 625 532.

7.The Zonal Deputy Tahsildhar,
Taluk Office,
Usilampatti Taluk,
Madurai District – 625 532.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order made in W.P(MD)No.13278 of 2021, dated 31.01.2022.

For Appellant :Mr.S.Srikanth

For Respondents :Mr.M.Lingadurai,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

Heard Mr.S.Srikanth, learned counsel for the appellant and Mr.M.Lingadurai, learned Special Government Pleader for the respondents.



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2. The petitioner has filed this writ appeal challenging the order dated 31.01.2022 made in W.P(MD)No.13278 of 2021.

3. The appellant/writ petitioner has filed the writ petition seeking for issuance of a Writ of Mandamus to direct the respondents to reconvey the land measuring an extent of 3 acres 06 cents comprised in Survey No.32/2A of Sikkampatti Village, Usilampatti Taluk, Madurai District in favour of Sree Kumarasamy Temple, Sikkampatti Village, Usilampatti Taluk.

4. It is not in dispute that land acquisition proceedings were initiated originally for providing house sites to Adi Dravidas under the Land Acquisition Act. The appellant is just a devotee of Kumarasamy Temple. The lands were acquired under the Central Act way back in the year 1986. The appellant though admits that the lands were acquired for providing house sites to Adi Dravidas, it is his contention that the lands were not assigned in favour of private persons who are eligible. It is his further contention that the original allotment in favour of beneficiaries was cancelled and therefore, the lands should be re-conveyed in exercise



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of power under Section 48-B of the Land Acquisition Act.

5. This Court and the Hon'ble Supreme Court has considered the scope of Section 48-B of the Land Acquisition Act. This is not the case where the lands are not required for which the same were acquired. This is also not the case where the lands are going to be utilized for any other purpose other than the purpose for which the lands were acquired in the year 1986.

6. Realising the lacuna, the learned counsel for the appellant has now in the course of argument relied upon Section 24(2) of Act 30 of 2013 and came up with the case that possession was not handed over and compensation was not paid.

7. However, the appellant/writ petitioner has come forward with the writ petition after a lapse of several decades and this Court finds no bonafides in the case of the appellant. The learned Single Judge after careful consideration of facts, has rightly dismissed the writ petition. Therefore, the order of the learned Single Judge does not warrant interference.



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8. This Court finds no merit in the writ petition and the writ appeal and therefore, this writ appeal is liable to be dismissed for devoid of merits.

9. In the result, this writ appeal is dismissed. No Costs.
Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [D.B.C., J.]
13.07.2023

Index : Yes / No
NCC : Yes/No

pm

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