



W.P(MD)No.2706 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.2706 of 2023

Sundara Naicker

Vs.

... Petitioner

1.The Principal Secretary to Government,
Revenue Department,
Fort St.George,
Chennai.

2.The Director of Aadhi Dravidar Welfare Department,
Chennai.

3.The District Collector,
Collectorate Campus,
Thoothukudi,
Thoothukudi District.

4.The District Adi Dravidar Welfare Board Officer,
Collectorate Campus,
Thoothukudi,
Thoothukudi District.

5.The Special Tahsildar,
Adi Dravidar Welfare Board,
Ettaiyapuram Road,
Kovilpatti Taluk,
Thoothukudi District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the fourth respondent to reconvey the property comprised in S.No.201/1B and transfer patta in the petitioner's name in S.No.201/1 in Patta No.264 situated at Nadukattur Village, Vilathikulam Taluk, Thoothukudi District, Pursuant to the orders made in W.P.No.42057 of 2002 on the file of the Principle Seat of Madras High Court and in W.P.(MD)No.21501 of 2015 on the file of this Court and on the basis of the petitioner's representation dated 30.01.2023.

For Petitioner : Mr.R.Murugan

For Respondents : Mr.M.Lingadurai
Special Government Pleader

ORDER

Heard the learned counsel on either side.

2. The petition mentioned lands were acquired for distributing the same among the landless poor belonging to the scheduled caste community. The acquisition proceedings date back to the year 1979. The petitioner of-course claims that he has not received the compensation amount. Be that as it may, the question of directing the respondents to reconvey the property does not arise at this point of time.



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3. The petitioner's counsel would invoke Section 101 of Central Act 30 of 2013. Section 101 of the said Act reads as follows:-

“When any land acquired under this Act remains unutilised for a period of five years from the date of taking over the possession, the same shall be returned to the original owner or owners or their legal heirs, as the case may be, or to the Land Bank of the appropriate Government by reversion in the manner as may be prescribed by the appropriate Government.”

4. The said Section can be applied only if the acquisition proceedings had been initiated under the New Act. Admittedly, the acquisition proceedings in this case were acquired under the special enactment.

5. In this view of the matter, the prayer sought for cannot be granted. Of-course, the dismissal of this writ petition will not come in the way of the Government from considering the case of the petitioner pursuant to the direction given in W.P.(MD)No.21501 of 2015, dated 22.06.2017. The issue is left to the discretion of the Government.

6. The Writ Petition is dismissed with the aforesaid observation. No costs.

09.02.2023

Index : Yes / No
Internet : Yes/ No
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G.R.SWAMINATHAN, J.

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