



WP(MD)No.6079 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2023

CORAM

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.(MD)No.6079 of 2021

- 1.P.Saravanan
- 2.Veerapathiran
- 3.Tamilselvi
- 4.Ramadoss
- 5.Rajaram
- 6.Geethagandhi
- 7.Jeyakodi
- 8.Vengatesan
- 9.Prema
- 10.K.Banumathi

...Petitioners

/Vs./

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Adi Dravidar Welfare Officer,
District Collectorate Campus,
Sivagangai, Sivagangai District.
- 3.The Special Tahsildar,
Adi Dravidar Welfare Officer,
District Collector Campus,
Sivagangai, Sivagangai District.

....Respondents



WP(MD)No.6079 of 2021

PRAYER:- Petition - filed under Article 226 of the Constitution of India, to issue a Writ of mandamus directing the respondents to proceed with the acquisition proceedings as per the order passed by this Honourable High Court dated 20.02.2014 in W.P.(MD)No.4838/2010 and hand over the possession as per the proceedings of the 3rd respondent dated 04.01.1997 by considering the representation of the petitioners dated 09.09.2019 and 05.11.2019.

For Petitioners : Mr.K.C.Ramalingam
For Respondents : Mr.R.Ragavendran
Government Advocate

ORDER

This writ petition has been filed for issuance of writ of mandamus directing the third respondent to proceed further to complete acquisition proceedings and deal with the representation made by the petitioners, wherein the petitioners are seeking for free house site plots.

2. The case of the petitioners is that they all belong to the Backward Classes and steps were taken by the third respondent to acquire lands and to allot the same to the petitioners and others at Nelmudikara Village, Thiruppuvanam Taluk, Sivagangai District. Accordingly, acquisition proceedings were initiated and this became the subject matter of challenge before this Court in WP No.645 of 1997. Acquisition proceedings were



WP(MD)No.6079 of 2021

interfered with and this Court directed, by order dated 17.12.2003 to continue with the acquisition proceedings from the stage at which it was found to be irregular.

3. In accordance with the above directions issued by this Court, no steps were taken and therefore, the petitioners along with others filed WP(MD)No. 4838 of 2010 before this Court. This writ petition was disposed by order dated 20.02.2014. For proper appreciation, relevant portions are extracted hereunder:-

“2. The punja lands measuring 3 acres 45 cents comprised in S.No.3/1B-1A1 in Nelmudikarai village, Thiruppuvanam Taluk, Sivagangai District belong to the family of one K.R.Venkatraman. The Government initiated acquisition proceedings in respect of the lands in question and issued 4(1) notification for acquisition of the lands for Harijan Welfare Scheme by notification dated 12.01.1996. The acquisition proceedings were challenged by few legal heirs of K.R.Venkatraman by name K.V.R.Ramesh Babu, K.R.Ramamuuthy and K.R.Ramasubbu in W.P.No.645 of 1997. The writ petition was filed to quash Section 4(1) notification mainly on the ground that all the legal heirs cum owners of the property are not issued with any notice for Section 5(A) enquiry, in violation of the procedure laid down under the Act and in violation of the principles of natural justice. The section 4 (1) notification was also challenged on various other objections raised in the writ petition. This Court



by order dated 17.12.2003 has found that no notice was issued to all the legal heirs for Section 5-A enquiry. This Court has also not accepted the plea that the owners are dispossessed and beneficiaries are put in possession of the property, in view of the absence of any demarcation of the property in question. This Court, having held that the right of the owners are seriously infringed and there is violation of procedure laid down under the statute, is pleased to grant the relief to the petitioners by setting aside the proceedings upto the stage, at which the irregularity had occurred. The writ petition was allowed to that extent by giving liberty to the respondent to proceed afresh from the stage, at which the irregularity had occurred. The order was not challenged by way of any appeal and the order has become final and binding on the parties. Thereafter, there was no much progress in the acquisition proceedings, which compelled the beneficiaries of the earlier acquisition proceedings to approach this court by way of present writ petition for the relief as stated supra.

3. During the pendency of this writ petition, this Court also by order dated 26.8.2010 directed the respondents to proceed with the acquisition proceedings. In pursuance of this order, the third respondent/Special Tahsildhar issued fresh notice for calling for objections for Section 4 (1) notification. The notice is sent to all the interested parties. In view of the above said report, the respondents are now at liberty to proceed with the acquisition proceedings to complete it as expeditiously as possible. After the completion of the acquisition proceedings finally, further relief may be granted to the petitioners/beneficiaries in the matter of allotment of lands.



WP(MD)No.6079 of 2021

4. In the result, in pursuance of the notice dated 03.02.2014, the respondents are directed to proceed with the acquisition proceedings afresh in accordance with the procedure laid down under the law and to complete the same as expeditiously as possible by not later than 8 months from the date of receipt of a copy of this order and subject to the outcome of the name, the petitioners / beneficiaries shall become entitled to the allotment of lands, if they satisfied other legal requirements and other eligibility criteria.”

4. The grievance of the petitioners is that inspite of above orders passed by this Court, there was no follow up and as a result, the petitioners were not allotted free house sites. Therefore, they made further representations. Since the same were not considered, the present writ petition has been filed before this Court.

5. When the matter was taken up for hearing, the learned Government Advocate produced written instructions received from the third respondent dated 14.10.2023. On going through the same, it is seen that insofar as the property at Nelmudikara Village, Thiruppuvanam Taluk, Sivagangai District is concerned, a decision has been taken to allot the plots to the persons belonging to SC and ST community. This Court had passed an order in WP(MD)No.11232 of 2014, dated 05.01.2023, wherein similar requests as is made by the



WP(MD)No.6079 of 2021

petitioners herein were considered and a direction was given to the first respondent to identify some other lands and to initiate steps to allot the same to the beneficiaries. In compliance of this order, the respondents have now identified the lands at Melavellur Village, Thiruppuvanam Taluk, Sivagangai District at S.Nos.82/1A, 82/2A and they have developed lay outs consisting of 92 house plots. The third respondent is now willing to consider the request made by the petitioners for allotment of house plots in this place. In fact, in the written instructions, it is stated that this information was also given to the petitioners through letter dated 20.02.2023 and the petitioners also appeared before the third respondent and enquiry is pending.

6. In the light of the above development, it will suffice if a direction is given to the third respondent to proceed further with the enquiry and if the petitioners are found to be eligible, allotment of the plots can be made in the alternative place that has been identified. Therefore, a direction is given to the third respondent to proceed further with the enquiry and if the petitioners are found to be eligible, allotment of the plots can be made in the alternative place that has been identified. This process shall be completed by the third respondent within a period of three months from the date of receipt of a copy of this order.



WP(MD)No.6079 of 2021

WEB COPY

7. This writ petition is disposed with the above directions. No costs.

16.10.2023

NCC : Yes/No
Internet : Yes/No
Index : Yes/No
sm

TO:-

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The District Adi Dravidar Welfare Officer,
District Collectorate Campus,
Sivagangai, Sivagangai District.
- 3.The Special Tahsildar,
Adi Dravidar Welfare Officer,
District Collector Campus,
Sivagangai, Sivagangai District.



WEB COPY



WP(MD)No.6079 of 2021

N.ANAND VENKATESH, J.

sm

Order made in
W.P.(MD)No.6079 of 2021

Dated:
16.10.2023