



W.P.(MD)No.14624 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 07.12.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.14624 of 2021

M.Paulraj

... Petitioner

Vs

1.The State of Tamil Nadu,
Rep by its Secretary,
Adi Dravidar and Tribal Welfare Department,
Chennai.

2.The District Collector,
Tenkasi Collectorate Office,
Tenkasi District.

3.The Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Alangulam Taluk,
Tenkasi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, to declare that the declare the acquisition proceedings initiated vide Na.Ka.No.A/437/2002 by Adi Dravidar and tribal Welfare Department, dated 05/06/2003, deemed to have lapsed by operation of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and resettlement Act, 2013.

For Petitioner : Mr.N.Ganagasapapathy



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For R-1 to R-3 : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition was filed to declare the acquisition proceedings initiated to have lapsed under Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and resettlement Act, 2013.

2. The case of the petitioner is that the acquisition proceedings were initiated in the year 2002 and even thereafter, the property was not utilized for the purpose for which it was acquired. The petitioner continued to be in possession and enjoyment of the same. It is under these circumstances, the present Writ Petition came to be filed before this Court.

3. In the considered view of this Court, the acquisition proceedings cannot be held to have lapsed, since the compensation amount is said to have been deposited on 28.03.2003. The requirements as stipulated by the Constitution Bench in the case of ***Indore Development Authority vs Manoharlal and Others*** reported in ***(2020) 8 SCC 129*** has not been fulfilled. Therefore, the acquisition proceedings cannot be held to



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have lapsed. The learned counsel appearing for the petitioner submitted that the land itself was acquired for the purpose of building / constructing a cremation ground for the Adidravidar people. Nothing has taken place till date and the purpose for which the land was acquired is defeated. Therefore, the petitioner wants to make a representation seeking for reconveyance of the land. The learned counsel for the petitioner submitted that the same may be considered by the respondents.

4. Taking into consideration the facts and circumstance of the case, the relief as sought for in this Writ Petition cannot be granted by this Court. If the petitioner makes a representation seeking for reconveyance of the land, the same shall be dealt with by the authorities on its own merits and in accordance with law.

4. This Writ Petition is disposed of accordingly. No costs.

07.12.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
TSG



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To

1. The Secretary
the State of Tamil Nadu,
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2. The District Collector,
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Tenkasi District.
3. The Tahsildar,
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N.ANAND VENKATESH, J.

TSG

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