



W.P.(MD)No.18746 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.10.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.(MD)No.18746 of 2020
and
W.M.P.(MD).No.15661 of 2020

Chinnathurai

... Petitioner

Vs.

1.The District Collector,
Office of the District Collector,
Pudukkottai.

2.The Special Tahsildar,
Adi Dravidar Welfare Department, Aranthangi,
Pudukkottai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents herein from in any manner constructing the houses under the Adi Dravidar Welfare Scheme in the petitioner's property comprised in Survey No.77/1, Survey No. 77/2, and Survey No. 77/3 A situated at Mullankurichi Village, Karambakudi, Pudukkottai District, by considering the petitioner's representation dated 01.12.2020.



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For Petitioner : Mr.P.Ganapathi Subramani

For R-1 & R-2 : Mr.A.K.Manikkam,
Special Government Pleader

ORDER

This Writ Petition has been filed for the issue of writ of mandamus forbearing the respondents from in any manner constructing the house under the Adidraavidar Welfare Scheme in the subject property.

2. The second respondent has filed a counter-affidavit and the relevant portion in the counter-affidavit is extracted hereunder.

“9. I respectfully submit that the averments made Paras (5 & 6) of the affidavit of the petitioner, herein are denied as false. The lands in SF.Nos.77/1, 77/2 and 77/3A of Mullankuruchi Village were acquired as per the award proceedings of the Land Acquisition Officer and Special Tahsildar (Adhidraavidar Welfare), Aranthangi in Award No.3 of 94-95 (Na.Ka.151/92 (A1), dated 23.09.1995). The said lands were taken possession and classification of the said lands were changed as “Adhidraavidar Natham” in revenue records. The said lands



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were plotted into 57 house sites and free house site assignments were also given to the eligible houseless Adhidravidar Families in the year 1995. Now, the beneficiaries has constructed Colony Houses under Government Scheme and are in occupation.”

3. It is clear from the above that the property has been acquired under the Land Acquisition Act, 1894 and it has been allotted in favour of Adidravidars by way of free house site assignments. Therefore, the relief sought for by the petitioner cannot be granted by this Court. If the petitioner is aggrieved by the acquisition proceedings, the petitioner has to challenge the same in the manner known to law.

4. This Writ Petition is disposed of with the above terms. No costs. Consequently, the connected miscellaneous petition is closed.

09.10.2023

NCC:yes/no
Index:yes/no
Internet:yes/no
tsg



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N.ANAND VENKATESH, J.

tsg

To

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Pudukkottai.
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