



W.P.(MD)No.17202 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.04.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.17202 of 2014

and

M.P.(MD)No.1 of 2014

P.Karuppayee

... Petitioner

versus

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Social Welfare Department,
Fort St. George,
Chennai.
2. The District Collector,
Madurai District.
3. The Revenue Divisional Officer,
Madurai.
4. The District Adhi Dravidar and
Scheduled Tribes Welfare Officer,
Madurai – 625 020.
5. The Special Tahsildar,
Adhi Dravidar Welfare Department,
Unit – II, Madurai.



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6. The Tahsildar,
Madurai North Taluk,
Madurai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Declaration, to declare the Tamil Nadu Harijan Welfare Schemes Act, 1978 as unconstitutional and consequently, direct the respondents to re-convey the petitioner's land in Survey Nos.54/7A, 54/7B, 54/8A, 54/8B, 54/9, 54/10, 54/11, 54/12, 54/17 and 54/5A in the Velichanatham Village, Madurai North Taluk, Madurai District.

For Petitioner : Mr.M.Kannan
For Respondents : Mr.R.Baskaran,
Additional Advocate General,
assisted by
Mr.G.V.Vairam Santhosh,
Additional Govt. Pleader

ORDER

This writ petition is filed for a writ of declaration declaring the Tamil Nadu Harijan Welfare Schemes Act, 1978, as unconstitutional and also for a consequential direction to the respondents to re-convey the petitioner's land in Survey Nos.54/7A, 54/7B, 54/8A, 54/8B, 54/9,



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54/10, 54/11, 54/12, 54/17 and 54/5A, in Velichanatham Village,
Madurai North Taluk, Madurai District.

2. The case of the petitioner is that his lands in the above mentioned survey numbers are wet lands and the said lands are attempted to be acquired by the respondents for developing house sites for Adi Dravidars of Meenakshipuram, a hamlet of Velichanatham Village.

3. The learned counsel appearing for the petitioner fairly submits that the relief sought for in the writ petition cannot be maintained in view of the subsequent development and the order passed by the Hon'ble Supreme Court in ***G.Mohan Rao and others vs. State of Tamil Nadu and others***, reported in ***2021 SCC online SC 440***. However, the learned counsel appearing for the petitioner submits that the petitioner's lands, which were acquired in the year 1986, were not put into use for the past 35 years and instead, the Government



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identified another land for allotting house sites for Adi Dravidars of Meenakshipuram, a hamlet of Velichanatham Village and now, all the Adi Dravidars have been accommodated in another land and now, the petitioner's lands remain vacant. He also reiterated that the lands are wet lands and it is the policy of the Government not to acquire the wet lands for housing scheme. The learned counsel, by relying upon the letter of Housing and Urban Development Department dated 29.01.1988 and G.O.Ms.No.1168, H&UD dated 05.08.1987 submits that the Government, vide the letter dated 29.01.1988, directed that in future, while sending the proposals for acquisition of lands involving wet and dry lands for housing scheme to Government for approval, it should be explained in detail that there are no poramboke lands available for the purpose and that the acquisition of the wet and dry lands proposed for acquisition is unavoidable. Therefore, when the policy of the Government is not to acquire wet lands for the purpose of housing scheme and the petitioner's lands which were acquired for the purpose of housing scheme were not put into use and remain vacant.



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Therefore, the District Collector may take a further decision for considering the reconveyance of lands to the petitioner. He further submits that the petitioner has not received any compensation for the lands which were acquired by the respondents.

4. The learned Additional Advocate General, by referring the Judgment passed by the Hon'ble Supreme Court in *State of Tamil Nadu and others vs. Ananthi Ammal and others*, reported in *1995 1 SCC 519* submits that the validity of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978, has been declared as *intra vires* as early in the year 1995 and therefore, this writ petition filed challenging the said Act in the year 2014 is not maintainable. However, the learned Additional Advocate General admitted the contention of the learned counsel for the petitioner that in view of pending litigation, they have identified some other lands for accommodating Meenaksipuram Adi Dravidar community people and they have already been given patta and the petitioner's lands remain



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vacant. He also submits that the award has been passed on 04.03.1970 and award amount has also been deposited before the District Treasury, Madurai, on 16.02.1981.

5. This Court considered the rival submissions and perused the materials placed on record.

6. This writ petition was filed for declaration, declaring the Tamil Nadu Harijan Welfare Schemes Act, 1978, as unconstitutional and also for a consequential direction to reconvey the petitioner's land which were acquired in the year 1970.

7. The petitioner's lands were acquired by the Government as per the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes 1978. According to the petitioner, the lands have not been utilized for the said purpose and remain vacant. Therefore, she seeks for re-conveyance of her lands.



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8. It appears that the petitioner has already filed a writ petition in W.P.(MD)No.2134 of 2012 before this Court and this Court, by order dated 17.09.2014, dismissed the writ petition by observing that there is no provision in the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978, empowering any of the authorities to reconvey the lands acquired under the Act. In the said writ petition, the petitioner further claimed that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, has come into effect and as per the provision of the said Act, she is entitled for reconveyance of the lands. This Court has also rejected the said contention stating that the Act 2013 has not repealed the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes, 1978 and therefore, the question of invoking the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 does not arise.



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9. Since there is no provision under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 for reconveyance of the land, the relief sought for by the petitioner cannot be granted. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

27.04.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

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Madurai District.
3. The Revenue Divisional Officer,
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B.PUGALENDHI, J.

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