



WP(MD)No.19115 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 01.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.19115 of 2014

and

MP(MD)No.1 of 2014

P.Pulamadan

... Petitioner

Vs

1.The District Welfare Officer,
Office of the District Aadi Dravida &
Tribal Welfare Officer,
Tirunelveli.

2.The Special Tahsildar,
Aadi Dravida Welfare,
Tenkasi,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus calling for the records pertaining to the impugned proceedings of the 2nd respondent in Na.Ka.No.A/413/2013 dated 14.03.2014 and quash the same and declare the acquisition proceedings upon the petitioner's land situated in Survey No.4A/3 in Aayiraperi village, Tenkasi Taluk, Tirunelveli District measuring 0.80.0 hectares deemed to have lapsed as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and the



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Resettlement Act 2013 and consequently direct the respondents to re-convey the land measuring 0.080 hectares in Survey No.4A/3 in Aayiraperi Village, Tenkasi Taluk, Tirunelveli District to the petitioner herein.

For Petitioner : Mr.N.Shankar Ganesh

For Respondents : Mr.S.Shaji Bino,
Special Government Pleader

ORDER

This writ petition is filed as against the communication of the Special Tahsildar, Adi Dravidar Welfare, Tenkasi dated 14.03.2014.

2.The petitioner submitted a representation to the Legal Services Authority, Sengottai with regard to the acquisition proceedings and the said representation was forwarded to the Special Tahsildar, Adi Dravidar Welfare, Tenkasi. By the impugned communication, the Special Tahsildar has intimated the Legal Services Authority that the petitioner's request for cancelling the assignment is not feasible. As against the same present writ petition is filed.



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3.The learned Additional Government Pleader appearing for the respondents submits that the lands were acquired in the year 1995 for the purpose of providing free house site pattas to Adi Dravidar in the year 1995 and notification under Section 4(1) of the Land Acquisition Act was issued on 14.08.1995 and the declaration under Section 6 of the Act was made on 23.08.1995. After compliance of all the requirements under the Land Acquisition Act, the land has been acquired from this petitioner and 5 others. Except this petitioner, all others have accepted the compensation award for acquisition.

4.The learned Additional Government Pleader further submits that the award amount has been wrongly deposited in the name of the petitioner's father one Pitchai before the Treasury Officer in the year 1996 and necessary orders would be passed to disburse the amount to the petitioner.

5.The learned Counsel for the petitioner submits that the petitioner is no more. He would take necessary steps to implead the legal heirs.

6.This writ petition is filed challenging the



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communication which has been made by the Special Tahsildar to the Legal Services Authority. The land in dispute was acquired in the year 1995 and the compensation was deposited before the Treasury Officer in the year 1996. Other land owners have received the compensation. However the compensation of the petitioner has been deposited in the name of the petitioner's father Pitchai. This writ petition has been filed in the year 2014. No purpose would be served by keeping this writ petition, especially when the acquisition process has been completed in the year 1995 and compensation award has also been deposited in the year 1996. Therefore, this writ petition is disposed of with liberty to the legal heirs of the petitioner to approach the Treasury Officer concerned by producing their legal heir certificate to get the compensation award disbursed. No costs. Consequently connected miscellaneous petition is closed.

01.06.2023

Internet : Yes / No
dsk
To



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B. PUGALENDHI, J.

dsk

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