



W.P.(MD)No.7243 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P.(MD)No.7243 of 2016

V.Selvaraj

... Petitioner

versus

1. The District Collector,
Sivagangai District,
Sivagangai.

2. The Special Thasildar
(Adi Dravida Welfare),
Sivagangai District,
Sivagangai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 07.10.2014, 28.12.2015 and 31.03.2016 and to restore the land in Survey No.552/7A situated at Thirukalli Village, Illayangudi Taluk, Sivagangai District to the petitioner.

For Petitioner : Mr.P.Krishnasamy



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For Respondents : Mr.M.Sarangan,
Additional Govt. Pleader

ORDER

This writ petition is filed for a Mandamus, directing the respondents to consider the petitioner's representations dated 07.10.2014, 28.12.2015 and 31.03.2016 and to restore the land in Survey No.552/7A situated at Thirukalli Village, Ilayangudi Taluk, Sivangagi District, in favour of the petitioner.

2. The case of the petitioner is that his land in Survey No.552/7A situated at Thirukalli Village, Ilayangudi Taluk, Sivagangai District, has been acquired by the respondents for construction of houses under Harijan Welfare Scheme. But, it was not utilized for the said purpose. Therefore, he submitted representations seeking to restore the land. Since there was no response, the present writ petition has been filed.

3. When the matter was taken up for hearing on 22.06.2023, the learned Additional Government Pleader appearing for the respondents



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submitted that the acquired lands have been utilized for constructing houses for Adi Dravidars. He further submits that the provisions under Section 48B of the Land Acquisition Act 1894 will not be applicable for the land which has been acquired under the Acquisition of Land for Harijan Welfare Schemes. This Act is a special Act which has been constituted specifically for acquisition of land for Harijans and as per Section 20 of the Acquisition of Land for Harijan Welfare Schemes, the provisions under the Land Acquisition Act will not be applicable to the present Act. Therefore, in any event, the reconveyance of land, which has already been acquired, is not feasible under the Harijan Welfare Schemes.

4. The learned Additional Government Pleader further submitted that at the time of acquisition of land, the petitioner's brother one Arockiaraj has raised certain objections, which was partially considered by the Acquisition Officers and a portion of land, where the petitioner's father was buried, has been exempted from the acquisition proceedings



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and the remaining portion of land alone was acquired, for which, award has been passed and the award amount has been deposited on 28.03.2002. However, neither the petitioner and his brother has made any claim for the compensation which has been deposited.

4. On the submissions of the learned Additional Government Pleader, the learned counsel appearing for the petitioner sought for a short accommodation that he has lost his bundle.

5. Considering the request made by the learned counsel for the petitioner, this case was adjourned today under the caption “For orders”. Today, when the matter is taken up for hearing, there is no representation for the petitioner.

6. Considering the submission made by the learned Additional Government Pleader that the reconveyance of land, which has already been acquired, is not feasible under the Harijan Welfare Schemes, the



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relief sought for by the petitioner to reconvey the land cannot be granted. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to approach the concerned authorities for the compensation amount, which has already been in deposit for the said land. No costs.

27.06.2023

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NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

To

1. The District Collector,
Sivagangai District,
Sivagangai.
2. The Special Thasildar
(Adi Dravida Welfare),
Sivagangai District,
Sivagangai.



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B.PUGALENDHI, J.

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