



W.P(MD)No.28800 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.28800 of 2022

and

W.M.P(MD)Nos.22773 & 22774 of 2022

S.Kothaiammal

... Petitioner

Vs

- 1.The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai.
- 2.The District Collector,
Thoothukudi District,
Thoothukudi.
- 3.The District Officer,
Adi Dravidar and Tribal Welfare Department,
Thoothukudi District.
- 4.The Special Tahsildar,
Adi Dravidar and Tribal Welfare Department,
Kovilpatti,
Thoothukudi District.
- 5.The Block Development Officer,
Kovilpatti Panchayat Union,
Thoothukudi District.



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6.The Village Panchayat President,
Pandavarmangalam Village Panchayat,
Kovilpatti Taluk,
Thoothukudi District.

7.The Village Administrative Officer,
Pandavarmangalam Village,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the notification or order of the first respondent herein G.O.Ms.No. 976, Social Welfare, 7th March 1983, No.II(2)/SW/1299/(b-40)/83 and quash the same as not valid in the eyes of law due to lapse of time of 5 years set by the section 24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of the land measuring for an extent of 1 acre 07 cents in survey number 291/1B located in Pandavarmangalam Village, Kovilpatti Taluk, Thoothukudi District and also direct the respondents not to interfere with the peaceful possession of the said property as it is not in the ownership of the government.

For Petitioner : Mr.S.Saravanan

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mrs.A.Jeyapriya
Government Advocate
for R.1 to R.4 & R.7
Mr.M.Siddharthan
Additional Government Pleader
for R.5 & R.6

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Advocate General assisted by the learned Government



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Advocate and the learned Additional Government Pleader appearing for the respondents.

2. The writ petitioner challenges the acquisition proceedings issued vide G.O(Ms)No.976 Social Welfare dated 07.03.1983. She seeks declaration on the ground that the proceedings have lapsed. The request cannot be accepted for more than one reason. The petitioner's husband Thiru.Mariappa Naicker filed W.P.No.1277 of 1983 before this Court. It was dismissed on 21.11.1990. After the dismissal of the writ petition, he filed O.S.No.404 of 1990 on the file of District Munsif Court, Kovilpatti. That was also dismissed. The petitioner has fairly enclosed at Page No.42 of the typed set of papers a communication dated 13.08.2005 indicating that the compensation amount had been deposited since the land owner declined to receive the same. In these circumstances, the question of issuing the declaration sought for does not arise at all.

3. The learned Additional Government Pleader clarifies that the petitioner's husband owned 2.31 acres in the survey number in question. Only 1.07 was acquired. The remaining extent of land was not acquired. In order to give a quietus to the issue, I permit the petitioner to approach the jurisdictional Tahsildar for survey and measurement. As and when such application is filed, the jurisdictional Tahsildar will cause survey to be made and demarcate the



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acquired land and the unacquired land. The petitioner cannot obviously can have any claim on the acquired lands. The petitioner is also at liberty to approach the authorities for payment of compensation amount. It is seen from the communication dated 13.05.2005 issued by the Adi Dravidar Welfare Officer, Thoothukudi District that the proceedings issued for compensation got lapsed. It is open to the authorities to revalidate the same and disburse the compensation amount to the petitioner. The petitioner is at liberty to approach the third respondent in this regard and the third respondent shall do the needful. I consciously refrain from stipulating any outer time limit considering the fact that issue is rather old.

4. With this liberty to the writ petitioner and direction to the third respondent and the jurisdictional Tahsildar, this writ petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

06.01.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
MGA



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