



W.P.No.2263 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2024

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.2263 of 2024

and

W.M.P.No.2466 of 2024

Kavinkarar Prabhu D.

... Petitioner

versus

1.The District Collector,
Vellore District,
Sathuvachari,
Vellore – 632 009.

2.The Revenue Divisional Officer,
Vellore and Anaicut Division,
Collectorate Office,
Sathuvachari, Vellore – 632 009.

3.The District Revenue Officer,
Vellore and Anaicut Division,
Collectorate Office,
Sathuvachari, Vellore – 632 009.

4.The Special Tahsildar,
Adi Dravidar Welfare Department,
Vellore and Anaicut Division,
Collectorate Office,
Sathuvachari, Vellore – 632 009.

.....Respondents



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Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay adequate compensation to the petitioner and to other interested person and to take possession of the land to continue with the project to develop house-site for Adi-Dravida people at Usoor Village, Vellore.

For Petitioner : Mr.S.Gunasekar
For Respondents : Mrs.V.Yamunadevi
Special Government Pleader

ORDER

Mrs.V.Yamunadevi, learned Special Government Pleader accepts notice for the respondents. With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking for a mandamus, directing the respondents to pay adequate compensation to the petitioner and to other interested person and to take possession of the lands to continue with the project to develop house-sites for Adi-Dravida people at Usoor Village, Vellore.



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3. The learned counsel for the petitioner submitted that the land in S.Nos.124/1B1, 124/1B2, 124/3A, 124/3A ad-measuring an extent of 2.70 acres in Usoor Village, Anaicut Taluk, Vellore District were subject to land acquisition proceedings by Notification under Section 4(1) of Land Acquisition Act, 1894, which was published in Tamil Nadu Government Gazette, in the year 1988 for the purpose of Harijan Welfare Scheme. The said Notification was challenged by the paternal grandfather of the petitioner one Rajavelu in W.P.No.2454 of 2000 and this Court, by order dated 13.03.2002, dismissed the said writ petition and thereby Notification under Section 4(1) of the said Act stood good. The petitioner and his father and sisters were not aware of the said acquisition proceedings and Award passed thereunder and hence, they enjoyed the said lands as co-parceners. While that being so, the Revenue Authorities disturbed their peaceful possession and hence, the petitioner has given representations to the respondents. Thereby, the fourth respondent herein had given a reply that the authority concerned had already deposited Award amount in the Civil Court, vide Banker Cheque No.00/016 = 351238, dated 18.05.2000 and the subject lands vested with the Government and the same also was intimated to the



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petitioner. The learned counsel for the petitioner further submitted that a sum of Rs.1,17,553/- only awarded as compensation amount to the said Rajavelu, which was not claimed by the said Rajavelu. Further, applying the law of limitation, the State Government having passed the Award, ought to have acquired the property within five years in accordance with the 'Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Re-Settlement Act, 30 of 2013' [hereinafter referred to as 'the New Act']. Though the Government failed to take possession within the period of limitation, the petitioner was allowed to continue the possession without disturbance for 23 years and the non-disbursement of the Award to the claimants would demonstrate that the State Government has lost its right to acquire the physical possession of the property under the Old Act within five years from the date of deposit of compensation amount in the Court. The Government has failed to take possession of the property within a period of limitation. The lands are acquired for public purpose and the process was continued to allot the house-sites for landless Adi-Dravida people. The petitioner is not claiming any right or interest over the acquired property, but he is entitled for compensation as per Section 26 of the New Act. Hence, the



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present writ petition has been filed.

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4. Heard both sides and perused the materials available on record.

5. Section 24(2) of the New Act is very clear that in cases of Land Acquisition Proceedings initiated under the Land Acquisition Act, 1894, where an Award under Section 11 has been made five years or more prior to the commencement of the New Act, but the physical possession of the land has not been taken or the compensation has not been paid, the Land Acquisition Proceedings shall be deemed to have lapsed.

6. In the present case on hand, already Award amount was deposited on 18.05.2000 and the original owner already filed a writ petition in W.P.No.2454 of 2000 and where he lost his case and he has not challenged the said order. Further, the Government had taken possession of the acquired lands. During the lifetime of the original owner, the petitioner has not filed any petition, despite the fourth respondent sent a reply regarding the payment of deposit of the Award amount. Though the learned counsel



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for the petitioner submitted that the petitioner is in possession of the subject lands and Patta also stood in the name of the petitioner, whereas, he has not produced any document to show that he is in possession of the said lands as on date.

7. Under these circumstances, the writ petitioner is not entitled to get any relief as sought for in this writ petition. However, the petitioner is at liberty to work out his remedy in the manner known to law to get the award amount if already he has not received.

8. With the above direction, this writ petition is dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

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Index: Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
ms

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P.VELMURUGAN, J.

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