



WEB COPY



W.P.No.7853 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2024

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.7853 of 2024

S.Ilangkannan

.... Petitioner

Vs

1.The Director,
Directorate of Adi Dravidar and Tribal Welfare,
Chepauk, Chennai – 600 005.

2.The Special Tahsildar,
O/o. Adi Dravidar and Tribal Welfare,
Ariyalur, Ariyalur District.

.... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to dispose the petitioner's representation dated 16.02.2024 within stipulated time as fixed by this Hon'ble Court.

For Petitioner : Mr.A.Kumanaraja

For Respondents : Mr.M.Balamurugan
Government Advocate



W.P.No.7853 of 2024

ORDER

Mr.M.Balamurugan, learned Government Advocate accepts notice for the respondents and is armed with instructions to enable final disposal of this Writ Petition, even at the stage of admission.

2. The subject matter of the Writ Petition is lands comprised in S.No.173/10 and 173/11, Koovagam Village, Ariyalur District ('property'/property in question'). The petitioner had been in receipt of notices as early as on 13.01.2009 proposing acquisition of the lands for grant of free patta to members of Adi Dravidar/Irular community. Though the petitioner had objected to the proposed acquisition, the respondents had proceeded to acquire the land.

3. In the affidavit filed in support of the Writ Petition, the petitioner has set out various factual particulars in regard to the petitioner's share and the share of his family members, which details are not adverted to as being extraneous to the prayer itself. Suffice it to say that the acquisition was done as early as in 2009 but the petitioner is yet to receive the compensation for the same.

4. A twist in the tale is that, according to the petitioner, the property acquired from him has been diverted for commercial use, in that, it is being used for a factory for cashew nut production and



W.P.No.7853 of 2024

manufacturing. That is not the purpose for which the lands were acquired.

5. In the writ affidavit the petitioner states that there are judgments (though none have been cited) to state that if the purpose for which the land has been acquired has not been fulfilled, the land owners are entitled to possession of the land that was acquired. For these reasons, the petitioner has petitioned the respondents seeking return of lands.

6. In defence, Mr.Balamurugan, learned Government Advocate for the respondents would point out that the property has, in fact, been used only for the welfare of the Irular community by assigning housing sites to 50 Irular families, who have constructed houses and have been residing therein for the last 15 years.

7. It is true that a cashew nut production plant has been set up in the acquired lands. However, that plant is being utilized completely by persons from Irular community and hence the purpose for which the acquisition was made has been duly achieved. He circulates proceedings in Na.Ka.No.A1/366/2008 dated 24.03.2024, wherein the respondents state that the compensation will be paid to the petitioner within six months.

Dr.ANITA SUMANTH,J.



W.P.No.7853 of 2024

8. Since the prayer of the petitioner is for disposal of representation simplicitor and various factual particulars will have to be looked into by the respondents, mandamus is issued to R1 to issue notice to the petitioner, hear him, consider relevant judgments, if any, cited and pass a speaking order within a period of six (6) weeks from date of receipt of a copy of this order.

9. This Writ Petition is disposed as above. No costs.

25.03.2024

Index:Yes/No
Speaking order
Neutral Citation:Yes
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