



WEB COPY



W.P. No.8947 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.8947 of 2024

Gopal

... Petitioner

Vs

1.The State of Tamil Nadu
Rep. by its Principal Secretary
Social Welfare Department
Fort St. George, Chennai - 600 009

2.The District Collector
O/o.District Collector
Dharmapuri District

3.The District Welfare Officer
Office of the District Welfare Officer
Dharmapuri District

4.The Tahsildar
Dharmapuri Taluk Office
Dharmapuri

5.The Special Tahsildar
(Land Acquisition Officer)
Adidravida Welfare Department
Dharmapuri District

... Respondents



W.P. No.8947 of 2024

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of certiorarified mandamus calling for records pertaining to the order dated 21.06.2022 issued by the 5th respondent vide proceedings Na.Ka.80/2022/A to quash the same and consequently direct the respondents to re-convey the lands to the petitioner situated in Survey No.127/1 and 127/2B measuring 1.90 Acres.

For Petitioner : Mr.R.Thirumoorthy

For Respondents : Mr.A.Selvendran
Spl. Govt. Pleader for R1 to R5

ORDER

Challenge has been made to the proceedings issued by the Special Tahsildar (Land Acquisition Officer) on the representation given by the petitioner for re-conveyance of the lands situated in Survey No.127/1 and 127/2B measuring 1.90 Acres.

2. It is the case of the petitioner that the land was acquired under Rule 5(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 for the purpose of giving house sites to poor landless Adi dravidars.



W.P. No.8947 of 2024

WEB COPY

Challenge has been made by way of a writ petition and a writ appeal, and both were dismissed. However, it is the contention of the petitioner that the land has not been taken into possession and still it is vacant and the petitioner has not received any compensation. Hence, according to him, the land acquisition proceedings have lapsed and hence seeks a direction for re-conveyance of the lands. In support of his contention, the learned counsel appearing for the petitioner has relied on a judgment of this court in ***Tamil Nadu Housing Board v. K.Meenakshi Achi (Deceased)*** reported in ***(2017) 1 MLJ 129***.

3. Per contra, the instruction received by the learned special government pleader appearing for the respondents clearly shows that the possession of the lands were already taken and patta has been issued to 45 people and the plots numbering 1 to 49, have already been approved and the amount has already been deposited.

4. The judgment relied on by the learned counsel for the petitioner is not applicable to the facts of the case. In the above referred case, considering the fact that possession not taken and the compensation not paid, this court has held that acquisition proceedings has lapsed. But in the given case, this is not



W.P. No.8947 of 2024

the situation. In the case on hand, possession has already been taken and patta has already been issued to the beneficiaries. When such being the position, the question of re-conveyance does not arise at all. I do not find any merit in the writ petition and the same deserves to be dismissed.

5. Accordingly, the writ petition is dismissed. However, there is no order as to costs.

27.06.2024

Index : Yes / No
Neutral Citation : Yes / No
Asr

To

- 1.The State of Tamil Nadu
Rep. by its Principal Secretary
Social Welfare Department
Fort St. George, Chennai - 600 009
- 2.The District Collector
O/o.District Collector
Dharmapuri District
- 3.The District Welfare Officer
Office of the District Welfare Officer
Dharmapuri District



W.P. No.8947 of 2024

4.The Tahsildar

Dharmapuri Taluk Office
Dharmapuri

5.The Special Tahsildar

(Land Acquisition Officer)
Adidravida Welfare Department
Dharmapuri District

6.The Government Pleader

High Court, Madras



WEB COPY



W.P. No.8947 of 2024

N.SATHISH KUMAR, J.

Asr

W.P.No.8947 of 2024

27.06.2024