



WA No.868 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2024

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA
No.868 of 2024

K.Narayanasamy Gounder : Appellant

(Cause title accepted vide order
dated 01.11.2022 in CMP No.17923/2022
in WA SR No.79562/2022)

versus

1.The State of Tamil Nadu,
rep. By its Secretary,
Adi Dravidar Department,
Fort St.George, Chennai 9

2.The District Collector,
Villupuram District

3.The Land Acquisition Officer,
Special Tahsildar,
Gingee Taluk, Villupuram District

: Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge in WP No.3510 of 2017 dated 13.07.2021.

For the Appellant : Mr.M.Padmanaban

For the Respondents : Mr.K.Karthik Jegannath,

Page 1 of 5



WEB COPY



WA No.868 of 2024

Government Advocate
JUDGMENT

(Made by the Hon'ble Chief Justice)

We have heard Mr.M.Padmanaban, learned counsel for the appellant and Mr.K.Karthik Jegannath, learned Government Advocate for the respondents.

2. The appellant/original writ petitioner had filed a writ petition for re-conveying the land acquired, on the ground that the same has not been utilised for the purpose it was acquired. The learned single Judge dismissed the writ petition. Aggrieved thereby, the present writ appeal.

3. The learned counsel for the appellant submitted that the land was acquired under an award in the year 1997. Since then, the land is not utilised for the purpose it was acquired. The same was acquired under the Harijan Welfare Act, for distribution of the land to landless persons. No construction has been carried out and the purpose is not fructified. Therefore, the land deserves to be re-conveyed.

4. It has been observed by the learned Single Judge that in the year 1998



WA No.868 of 2024

itself, plots were carved out of the land acquired and were allotted to 91 beneficiaries and on 16.05.1998, pattas have also been issued to them. It appears that because of financial condition, persons who were issued with patta have not constructed their houses. However, that does not mean that the purpose for which the land was acquired has not fructified. 91 beneficiaries have been issued with house site pattas. Interest of these 91 beneficiaries is created in the said land. These persons are also not parties in the writ petition. Their vested rights would get affected. The land is acquired for giving house sites to the poor people, especially those belonging to the Adi Dravidar community. Housing plots have also been given to them. Therefore, the purpose of the scheme for which the land has been acquired has been fructified.

5. The learned Single Judge has not committed any error. As such, the writ appeal is dismissed. There shall be no order as to costs.

(S.V.G., CJ.)

(D.B.C., J.)

18.03.2024

Index : Yes/No
Neutral Citation : Yes/No
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To

Page 3 of 5



WA No.868 of 2024

1. The Secretary,
Adi Dravidar Department,
Fort St. George, Chennai 9



WEB COPY



WA No.868 of 2024

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D.BHARATHA CHAKRAVARTHY, J.

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WA No.868 of 2024

18.03.2024