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W.P.No.28483 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :01.10.2024

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THE HONOURABLE MR. JUSTICE S.SOUNTHAR

W.P No.28483 of 2024

K.Mani

...Petitioner

Vs.

1. The Secretary
Adi Dravidar and Tribal Welfare Department,
Secretariat, St.George Fort,
Chennai-600 005.
2. The Commissioner,
Adi Dravidar Welfare Office,
Chepauk, Chennai-600 005.
3. The District Collector
District Collectorate Office,
Salem District.
4. The District Adi Dravidar Welfare Officer,
Adi Dravidar Welfare Office,
Salem District.
5. The Special Tahsildar
Sangagiri Adi Dravidar Welfare Office,
Salem District.
6. The Tahsildar
Tahsildar Office,
Sangagiri Taluk, Salem District.

..Respondents



W.P.No.28483 of 2011.

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to issue computerized joint patta after mutating necessary changes in petitioner and his wife name i.e., Amaravathi in Survey No.62/3A and 62/4A to an extent of 0.57.0 Hectares, Kandarkulamanikkam village based on the judgment passed by this Honourable court on 15.3.2012 in W.P.No.20645 of 2011.

For Petitioner : Mr.G.Mohammed Aseef
For Respondents 1 to 6 : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner herein seeks a direction to respondents to issue computerized joint patta in respect of his lands situated in Survey Nos. 62/3A and 62/4A measuring an extent of 0.57.0 Hectares at Kandarkulamanikkam Village based on the order passed by this Cour in W.P.No.20645 of 2011.

2. It is seen from the averments made in the affidavit filed in support of this petition and also the documents filed in the typed set of papers, the respondents issued notification under Section 4(1) of Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act 31 of 1978 for acquisition of petitioner's land for providing free house sites to persons belonging to



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Schedules Castes and Schedules Tribes. The said notification was challenged before this Court in W.P.No.5509 of 1997. The notification under Section 4(1) of the Act was quashed and the respondents were directed to consider the objection of the petitioner with regard to the acquisition and proceed further in accordance with law. However, it appears that respondents have not taken any further proceedings. Even though the land acquisition notification was quashed by this Court, the mutation made in the revenue records in favour of the Government has not been changed and petitioner's name has not been restored. Therefore, the petitioner filed a writ petition in W.P.No.20645 of 2011 seeking direction to 6th respondent herein to mutate the revenue records in his favour. The said writ petition was allowed on 15.03.2012 by directing the 6th respondent herein, who was arrayed as 4th respondent therein, to correct the revenue records based on the order passed by this Court earlier. In spite of the same, the respondents have not taken any steps to mutate the revenue records by including the name of the petitioner. Therefore, the petitioner submitted a representation to 1st respondent on 02.08.2024 seeking de-notification and mutation of revenue records in his favour and the same has not been considered by the respondents till date.



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3. When the notification issued under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act 31 of 1978 is already quashed by this Court, there is no need to issue de-notification by the Government and the respondents are excepted to act on the order passed by this Court quashing the notification. It is pertinent to refer to orders passed by this Court in W.P.No.20645 of 2011 dated 15.03.2012, which reads as follows:-

“8. Therefore, the 4th respondent is not to wait till denotification of the State before making necessary entry, as the State is also bound by the judgment passed by this Court.

9. Consequently, writ petition is allowed. The impugned order is set aside. The 4th respondent is directed to correct the revenue records in view of the judgment passed by this Court in quashing acquisition proceedings. No costs.”

Therefore, the 1st respondent is directed to consider the representation of the petitioner dated 02.08.2024 and pass necessary orders to 6th respondent



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to rectify the revenue records by deleting the name of the Government and restoring the patta in the name of the land owner within a period of eight weeks from the date of receipt of copy of this order.

4. With this observations, this writ petition is disposed of. No costs.

01.10.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
nr

To

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2. The Commissioner,
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3. The District Collector
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4. The District Adi Dravidar Welfare Officer,
Adi Dravidar Welfare Office,
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