IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.38081 of 2024
and
W.M.P.No.41198 of 2024

1.Jayanthi
2.M.Govindarajulu ... Petitioners

Vs.

1.The Commissioner
Adi-Dravida And Tribal Welfare Department,
Chepauk, Chennai-600 005.

2.The Collector
Cuddalore District, District Collectorate,
Cuddalore.

3.District Adi Dravida And Tribal Welfare Officer,
District Collecorate,
Cuddalore District.

4.The Special Tahsildar (Adi Dravidar Welfare)
Taluk Office Complex Backside,
Cuddalore Taluk, Cuddalore.

5.The Tahsildar (Revenue)
Cuddalore Taluk, Cuddalore.

6.Village Administrative Officer
Meezhazhinjipattu Village, Cuddalore Taluk,
Cuddalore District. ...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Directing the 5th respondent to delete the name of the Adi-Dravida and Tribal Welfare Department from revenue records and issue patta in the name of the petitioners with respect to the land admeasuring 2.92.5 Hectares of land comprised in S.No.14/2B situated at Keezhazhinjipattu Village, Cuddalore Taluk, Cuddalore district by considering the 1st petitioners representation dated 07.03.2023.

For Petitioner : M/s.R.N.Amarnath

For Respondents : M/s.P.Satish, AGP
for R1 to R6.

O R D E R

The Writ Petition is filed for the following reliefs:-

“Directing the 5th respondent to delete the name of the Adi-Dravida and Tribal Welfare Department from revenue records and issue patta in the name of the petitioners with respect to the land admeasuring 2.92.5 Hectares of land comprised in S.No.14/2B situated at Keezhazhinjipattu Village, Cuddalore Taluk, Cuddalore District by considering the 1st petitioners representation dated 07.03.2023.”

Brief Facts:-

2. The petitioners along with their parents, namely, late Jayaram Reddiar and late Tulasi jointly owned the property measuring an extent of 2.92.5 hectares (7.25 acres) of land comprised in Survey No.14/2B situate at Keezhazhinjipattu Village Cuddalore Taluk, Cuddalore District. After the demise of the parents, the petitioners became the owners of the property.

3. It is the case of the petitioners that their land was subjected to acquisition proceedings under Section 4(1) of the Tamil Nadu Acquisition of Lands for Harijan Welfare Schemes Act 1978 (hereinafter called as the "Act") and an award was passed by the 4th respondent in Award No.1/2005-06. The revenue records were mutated in favour of the District Adi-Dravidar and Tribal Welfare Department.

4. The 1st petitioner along with his parents had challenged the acquisition proceedings by filing W.P.No.39124 of 2005. When this Writ Petition was taken up for final hearing, the 2nd respondent in that Writ Petition who is the 4th respondent herein had submitted that the land in question is no longer required by the Government and recommended to the

Government that the acquisition proceedings be dropped on the following grounds :-

(a) Till date beneficiaries are not finalized.

(b) It would be highly impossible to pay such a huge amount of RS.3,62,24,852/- for seven acres of land as compensation.

5. On the basis of this representation by order dated 30.09.2019, this Court was pleased to direct the 2nd respondent/District Collector to pass appropriate orders on the recommendation of the 2nd respondent in W.P.No.39134/2005, the 4th respondent herein. The petitioner would submit that the 2nd respondent had expressed his inability to pass orders as he was not the competent authority. Therefore, the petitioners along with their parents had filed Review application in Rev.App.No.211 of 2019 seeking to review the order dated 30.09.2019 passed in W.P.No.39124 of 2005.

6. The review application was allowed on the following grounds:-

(i) The petitioners' objections to the notice under Section 4(2) of the Act had not been considered by the 1st

respondent and the Government as per the decision of the Full Bench of this Court reported in ***2006 4 CTC 609.***

(ii) The respondents have not even paid any single pie to the land owners, though the Award was passed on 19.10.2005.

(iii) The Tahsildar had also made a recommendation to the District Collector to drop the acquisition proceedings and hence the entire acquisition proceedings are held to be lapsed.

7. The petitioners would submit that though the acquisition proceedings had lapsed as early as in the year 2019, the revenue records were not restored. On 09.03.2020, 07.12.2020 and on other dates, the petitioner's father Jayaram Reddiar made representations by himself and through a counsel to effect change in the revenue records and issue patta in his name. However, the same was not considered.

8. The petitioners would submit that on 07.02.2023 they had made a representation to the 5th respondent to restore the revenue records in their name and to provide E-Patta for the subject land in view of the order passed by this Court in Rev.App.No.211 of 2019 dated 27.11.2019 holding that the entire acquisition proceedings become lapsed. Though the said representation has been received by the 5th respondent on 08.03.2024 the same has not been considered to date. Therefore, the petitioners are before this Court.

9. Heard the learned counsels on either side.

10. A perusal of the records would clearly indicate that the acquisition proceedings which had been initiated in the years 2005-2006 has lapsed. Further, in the Review Application filed by the petitioner in Rev.Appl.No.211 of 2019, this Court had passed the following orders:-

> *"A perusal of the above provisions would show that the respondents are duty bound to comply with the provisions as stated. Therefore, when the applicants obtained the notice under Section 4(2), gave their objections, but the same have not been considered even as per ratio laid down by the Hon'ble Full Bench of this Court in W.P. Nos.2288 of 1996 etc. batch reported in **2006 (4) CTC 609**. Secondly, the respondents have not*

even paid any single pie to the land owners, though the Award was passed on 19.10.2005. Thirdly, the second respondent Tahsildar also had made a recommendation/proposal to the District Adhi Dravidar and Tribal Welfare Tribal to drop the acquisition proceedings stating that it would be highly impossible to pay such a huge amount of Rs.3,62,24,852/- as a compensation. Fourthly, when the Special Tasildar, the second respondent himself has decided to drop the Land Acquisition Proceedings on the premise that the respondent cannot pay out the compensation to the land owner, the entire proceedings shall be held lapsed for their own inability to pay the cost of the land to its owner. For all these reasons, this Court finds no impediment or hesitation to allow the Review Application. Hence, the same is allowed."

11. Despite the above, the respondents have not even cared to consider the representation of the petitioners. Therefore, taking note of the facts set out above, though the Writ Petition is one for considering the representation, the Writ Petition is disposed of with a direction to the respondents to restore the patta in respect of the subject property in the name of the petitioners within a period of 4 weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected Miscellaneous Petition is closed.

21.12.2024

(shr)
Index : Yes/No
Speaking Order: Yes/No
Neutral Citation : Yes/No

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