



WEB COPY

W.P. No.36213 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.36213 of 2023 and

W.M.P. Nos.36209, 36210 and 36213 of 2023

1. K.Periammal
2. R.Kuppu
3. S.Malliga
4. V.Kolanjiyammal
5. K.Jeyalakshmi
6. P.Meenatchi
7. P.Pattu
8. M.Rani
9. K.Thamizharasi
10. P.Pichayi

... Petitioners

Vs.

1. The District Collector
Kallakurichi District
Kallakurichi
2. The Special Tahsildar
Adi Dravidar Welfare Officer
Kallakurichi, Villupuram
3. The Tahsildar
Sankkarapuram Taluk
Villupuram District



4. The Inspector of Police
Sankkarapuram - 606 402
Kallakurichi District

5. S.Vimala

6.J.Deepika

(R5 and R6 are impleaded as per order
dated 29.01.2024 in WMP No.1215 of 2024
in WPNo.36213 of 2023)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the records relating to the proceedings of the 1st respondent, the District collector, Kallakurichi District, dated Nil October 2023 in Na.Ka.No.M2/1072/2020 and quash the same as illegal.

For Petitioner	: Mr.C.P.Sivamohan
For R1 to R3	: Mr.T.Arun Kumar Additional Government Pleader
For R4	: Mr.S.Sugendran Additional Public Prosecutor
For R5 and R6	: Mrs.A.L.Gandhimathi, Senior Counsel for Mr.L.Palanimuthu

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorari to call for the records relating to the proceedings of the 1st respondent, the District collector, Kallakurichi District, dated Nil, October 2023 in Na.Ka.No.M2/1072/2020 and quash the same as illegal.



2. The learned counsel for the petitioner submitted that the Government in order to provide housing sites to the landless poor persons belonging to Adi Dravidar, acquired land measuring an extent of 1.64.5 hectares at Kattuvannanpur Village, Sankarapuram Taluk, formerly Villupuram District, now Kallakurichi District, through the proceedings of the Special Tahsildar for Adi Dravidar, Kallakurichi bearing No.17/98-99 dated 23.03.1999 under the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978, (Act 31 of 1978). The petitioners herein are among the 70 beneficiaries under the said scheme. Accordingly, each of the beneficiaries was given assignment Patta dated 21.04.1999 and they were also handed over possession of an extent of 0.03 cent. From the date of assignment and handing over of possession, all the 70 beneficiaries, including the petitioners herein have been in lawful possession and enjoyment of their respective lands. Meanwhile, the notification under Section 4(1) was challenged before this Court in W.P. No.8165/1999 by some of the land owners and subsequently, the 4(1) notification was quashed by order dated 06.2.2007. Thereafter, some other land owners filed W.P. No.8628/1999 challenging the 4(1) notification and the



same was dismissed against which, they filed appeal before the Division Bench of this Court in W.A.No.312 of 2009. Though the said appeal was allowed by judgment dated 04.10.2010 in terms of the order passed in W.P. No.8165/1999, liberty was given to the respondents therein to initiate fresh acquisition proceedings if they so desire. However, the respondents had not taken any steps for fresh proceedings. Though the Government filed SLP before the Hon'ble Supreme Court in SLP No.3752 of 2015, the same was dismissed on 10.08.2016. Subsequently, there was another round of litigation following which, by the impugned order in Na.Ka.No.M2/1072/2020, the District Collector, cancelled the assignment Pattas dated 21.04.1999, granted to the petitioners and 60 others without giving any opportunity of hearing objections and without giving any alternative sites, which is under challenge before this Court.

3. The learned Additional Government Pleader appearing for the respondents 1 to 3 submitted that against the order in W.A.No.312 of 2009, the Government filed an appeal before the Hon'ble Supreme Court in SLP



No.3752 of 2015, but the same came to be dismissed on 10.08.2016 against

which, they filed a Review Petition in Diary No.13403 of 2022 and the same

was also dismissed on 06.09.2022. Meanwhile, some of the land owners filed

another round of litigation and since the litigations were pending, they could

not proceed with the fresh acquisition. Subsequently, some of the land owners

filed Writ Petitions to carry out the mutation of their names in the revenue

records in respect of their lands in their possession and the same was allowed.

Thereafter, they filed contempt after which, the mutation in the revenue

records were carried out. They also filed writ petitions to cancel the

assignment Pattas and the same were allowed by this Court and as per the

orders of this Court, enquiry was conducted and it was found that the said

lands were vacant and hence, the District Collector with no other option

passed the impugned order cancelling all the assignment Pattas granted to the

petitioners and 60 others.

4. Mrs.AL.Gandhimathi, learned Senior counsel representing

Mr.L.Palanimuthu appearing for the respondents 5 and 6 submitted that the

notification under Section 4(1) initiated in the year 1999 was already quashed



by this Court in W.A.No.312 of 2009 on 04.10.2010. Even after the dismissal of the SLP filed by the official respondents, the official respondents had neither taken any steps to acquire the lands, nor they relieved the lands and therefore, the private respondents filed contempt petition and other writ petitions and this Court, considered the same and subsequently, the impugned order came to be passed. Therefore, there is no irregularities or illegality in the impugned order passed by the 1st respondent. The Government had not taken any steps to acquire the lands with due process of law. Though the Division Bench of this Court had given liberty to the official respondents in W.A.No.312 of 2009, they have not taken any steps to initiate fresh proceedings, for which, the land owners cannot wait endlessly. Therefore, the Writ Petition is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. Admittedly, in the Writ Appeal filed by the 5th respondent along with others, the Division Bench of this Court, while quashing the 4(1) notification



in terms of the W.P.No.8165 of 1999, had given liberty to the respondents therein viz., Secretary to Government, The District Collector, Villupuram, and the Special Tahsildar, Villupuram to initiate proceedings for acquisition, if they so desire. Though the respondents filed appeal before the Hon'ble Supreme Court, the same came to be dismissed in the year 2010. Thereafter, they filed Review Petition and the same was also dismissed. In the meanwhile, there was another round of litigation and some of the land owners filed contempt petitions to implement the order of the Division Bench and they also filed Writ Petitions for mutation of Revenue Records and to cancel the assignment Pattas etc.

7. It is seen that the Division Bench has passed the order in W.A.No.312 of 2009 on 04.10.2010 itself, whereas, the official respondents have filed the appeal in SLP No.3752 of 2015 only in the year 2015. The said SLP was dismissed in the year 2016. Thereafter, there was no legal impediment to the District Collector to go for fresh proceedings as liberty was already given to the District Collector by the Division Bench of this Court in



the year 2010 itself in W.A.No.312 of 2009. But instead of going for fresh proceedings, the official respondents had been waiting for favourable orders to land owners. The official respondents neither taken any steps for fresh proceedings nor they initiated proceedings to evict the Writ Petitioners with due process of law. Unfortunately, with the help of Police, now the respondents 1 to 3, are trying to remove the Writ petitioners from the land. The intention and the attitude of the respondents 1 to 3 is highly deprecated.

8. According to the petitioners, so far no alternate house sites have been allotted to them. The official respondents have not produced any document to show that subsequently they initiated fresh acquisition proceedings in other lands and alternate suitable housing sites and Pattas were given to them. In the absence of the same, the impugned order passed by the 1st respondent is set aside.

9. As stated above, already, the Division Bench of this Court has given liberty to the respondents therein viz., The Secretary to Government, The



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District Collector, Villupuram, The Special Tahsilar, Villupuram, to initiate fresh acquisition proceedings vide W.A.No.312 of 2009 by Judgment dated 04.10.2010. Therefore, the 1st respondent/District Collector, Kallakurichi, is directed to acquire the land(s) in which the petitioners are in possession now or otherwise, identify alternative suitable sites and allot the same to the petitioners herein and till then, the respondents 1 to 4, shall not disturb the possession of the writ petitioners.

10. With the above directions, this Writ Petition is Allowed. Since the petitioners are landless poor people, they are exempted from paying separate Court fees and accordingly, W.M.P. No.36209 of 2023 is ordered. W.M.P. Nos.36210 and 36213 are closed. There shall be no order as to costs.

21.02.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

Note: Issue order copy on 04.03.2024.



To

1. The District Collector
Kallakurichi District
Kallakurichi

2. The Special Tahsildar
Adi Dravidar Welfare Officer
Kallakurichi, Villupuram

3. The Tahsildar
Sankkarapuram Taluk
Villupuram District

4. The Inspector of Police
Sankkarapuram - 606 402
Kallakurichi District



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P.VELMURUGAN. J.

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