



W.A.No.2690 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2024

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CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

Writ Appeal No.2690 of 2021
and
C.M.P.No.17540 of 2021

1. The State of Tamil Nadu,
Represented by the Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai - 600 009.
2. The Special Commissioner and
Commissioner of Land Administration,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chennai - 600 005.
3. The Director,
Adi Dravidar and Tribal Welfare Department,
Ezhilagam, Chepauk, Chennai - 600 005.
4. The District Collector,
Coimbatore District,
Coimbatore.
5. The Special Tahsildar (LA),



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Adi Dravidar and Tribal Welfare Department,
Coimbatore District, Coimbatore.

... Appellants

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Vs.

Sivakumar

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed in W.P.No.29180 of 2014 dated 06.01.2015.

For Appellants : Mr.A.Selvendran
Special Government Pleader
For Respondent : No appearance

J U D G M E N T

(Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**)

The State preferred the present writ appeal challenging the order dated 06.01.2015 passed in W.P.No.29180 of 2014.

2. The land belonged to the respondent was acquired for Adi Dravidar Welfare Schemes under the Land Acquisition Act.

3. Section 4(1) notification was issued on 26.09.1988 and six draft



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declaration notifications under Land Acquisition Act, 1894 were approved by the Government in G.O.Ms.No.2227, Adi Dravidar & Tribal Welfare Department dated 22.11.1989. The Competent Authority passed an award and compensation was also paid to the land owner. The process of acquisition was completed in the year 1990 and the respondent erstwhile land owner filed an application to reconvey the land under Section 48 (B) of the Land Acquisition Act on the ground that the land has not been utilised by the Government. Non-utilization of the acquired land *per se* would not provide a ground for seeking reconveyance of the land acquired. Acquired land absolutely vest with the Government and the Government is empowered to utilise the acquired lands for any other public purpose, if it is not used for the purpose for which it was acquired. Once the title transferred to the Government, reconveyance is a policy decision to be taken by the Government and the erstwhile land owners, who had received compensation under the Act has no absolute right to claim reconveyance of the acquired land.

4. The writ petition was instituted mainly on the ground that the



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land acquisition proceedings became lapsed in view of Section 24(2) of the New Land Acquisition Act of the year 2013. The New Land Acquisition Act and its provision have no application in respect of the acquisition already completed. The legal position was settled by the Constitution Bench of the Hon'ble Supreme Court of India in the case of *Indore Development Authority Vs. Manoharlal and Ors.* reported in *(2020) 8 SCC 129*. Therefore, in respect of the acquisition proceedings, which were completed long back cannot be re-opened by submitting an application seeking reconveyance of the land. The learned Single Judge erroneously applied Section 24(2) of Act 30 of 2013, which has no obligation in the present case, since the acquisition proceedings were completed in the year 1990.

5. Wrong application of New Land Acquisition Act ended with an order allowing the writ petition. More-so, the respondent herein were the subsequent purchasers of the acquired land. That being the factum, We are inclined to interfere. Consequently, the order impugned dated 06.01.2015 passed in W.P.No.29180 of 2014 is set aside and the Writ Appeal stands **allowed**. No costs. Connected miscellaneous petition is closed.



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[S.M.S.,J.] [C.K.,J.]
13.06.2024

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

1. The State of Tamil Nadu,
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