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W.P.(MD)NO.1252 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.02.2024

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.1252 of 2024 AND
W.M.P.(MD)No.1284 of 2024

V.M.Mansoor Ahamed

... Petitioner

Vs.

1. The Government of Tamil Nadu,
through its Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai.
2. The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.
3. The District Collector,
Karur District, Karur.
4. The Special Tahsildar,
Adi Dravidar Welfare,
Karur.
5. The Welfare Officer,
Adi Dravidar and Tribal Welfare Department,
Thanthonimalai, Karur District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 3 to accept the lands in Survey No. 329/2 measuring about 2 acres in Velambadi Village, Aravakurichi Taluk, Karur District and to release the



land in Survey Nos. 554/1 and 668/J measuring about 1.10 acres and 0.52 acres respectively in Pallapatti Village, Aravakurichi Taluk, Karur District on the recommendation of the 3rd respondent dated 12.02.1999 and 28.09.1999 and in consideration of the representation of the petitioner dated 29.11.2017.

For Petitioner : Mr.G.Prabhu Rajadurai,
for Mr.I.Robert Chandra Kumar.

For Respondents : Mr.A.Kannan,
Additional Government Pleader.

* * *

ORDER

Heard both sides.

2. It is seen that the land belonging to the petitioner's family was acquired under the provisions of the Land Acquisition Act, 1894 for the welfare of Adi Dravidar persons. It is stated by the petitioner that till date the object for which acquisition was done has not been effectuated. The petitioner's family has come forward to offer alternative land. It is also stated that the said proposal was favourably recommended by quite a few authorities including the District Collector. The petitioner had also filed more than one writ petition before this Court.

3. The petitioner now wants this Court to direct the respondents to accept the alternative land offered by them in lieu of the lands originally



acquired. It is obvious that the petitioner seeks relief under Section 48B of the Land Acquisition Act, 1894. The said provisions reads as follows:

“48-B. Transfer of land to original owner in certain cases – Where the Government are satisfied that the land vest in the Government under this Act is not required for the purpose for which it was acquired, or for any other public purpose, the Government may transfer such land to the original owner who is willing to repay the amount paid to him under this Act for the acquisition of such land inclusive of the amount referred to in sub-section(1-A) and (2) of Section 23, if any, paid under this Act.”

4. It is for the Government to take a call in the matter and the writ Court will not be justified in issuing any positive Mandamus. Leaving the issue to the discretion of the first respondent, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



To:

1. The Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat, Chennai.
2. The Director,
Adi Dravidar and Tribal Welfare Department,
Chepauk, Chennai 600 005.
3. The District Collector,
Karur District, Karur.
4. The Special Tahsildar,
Adi Dravidar Welfare,
Karur.
5. The Welfare Officer,
Adi Dravidar and Tribal Welfare Department,
Thanthonimalai, Karur District.



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5

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G.R.SWAMINATHAN,J.

PMU

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