



W.P.(MD) No.7608 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.(MD) No.7608 of 2018

K.Narayanan

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Petitioner

-vs-

1.The District Collector,
Sivagangai District,
Sivagangai.

2.The District SC/ST Welfare Officer,
Sivagangai District,
Sivagangai.

3.The Tahsildar SC/ST Welfare,
Sivagangai,
Sivagangai District.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of mandamus, directing the respondents 2 and 3 to cancel the proposal for allotting the agriculture land for houses sites.



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For Petitioner : Mr.N.Sekar

For Respondents : Mr.A.Kannan,
Addl.Govt.Pleader.

ORDER

The petitioner's land in Survey No.18/1 to an extent of 2 Acres 47 Cents, situated in Karunsuthi Village, Ilayankudi Taluk, Sivagangai District, in Patta No.769, was acquired by the Government in the year 1988 for the purpose of welfare scheme of constructing colony houses for Adi-Dravidars. While so, as the Government did not take possession of his lands and also because no steps were taken in furtherance of the object of the acquisition, the petitioner submitted a representation, dated 30.06.2009. to the Government to return his lands. As the petitioner's representation was not considered, the petitioner filed W.P.(MD) No.11706 of 2009, and this Court, vide order, dated 16.11.2009, disposed of the said Writ Petition, directing the respondents therein to consider and pass orders on the petitioner's representation. Thereafter, the third respondent rejected the petitioner's representation, directing him to approach the appellate authority. The petitioner, as per the aforesaid direction of the third respondent, approached the second respondent. As no orders were passed by the second respondent, the petitioner again approached this Court in W.P.(MD) No.4801 of 2014 for a



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direction to the second respondent to dispose of his appeal on merits. This Court, by an order dated 19.03.2014, directed the second respondent to dispose of the petitioner's appeal within a period of six weeks and, thereafter, the second respondent, on 29.10.2014, passed an order, stating that there was a proposal to construct houses for SC/ST community and, hence, the petitioner's request could not be considered. Aggrieved by the said order, the petitioner filed W.P.(MD) No.5642 of 2015.

2. According to the petitioner, though his lands were acquired as early as in the year 1988, the object of acquisition, namely, construction of colony houses for Adi-Dravidars, was not accomplished. The petitioner, therefore, made several requests to the respondents to cancel the proposal for constructing houses for Adi-Dravidars and to return his lands. As, after several years, the respondents tried to interfere with the petitioner's possession, the petitioner filed the above Writ Petition for the aforesaid relief.

3. Learned counsel for the petitioner submitted that though the acquisition proceedings commenced as early as in 1988, possession remained with the petitioner and, therefore, the proposal of the respondents to construct houses for Adi-Dravidars, after an inordinate delay of 30 years, should not be entertained. The counsel submitted that as the respondents were not vigilant in concluding the acquisition proceedings speedily, the prayer of the petitioner



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to drop the proceedings in so far as his lands are concerned should be allowed.

4. Learned Additional Government Pleader, appearing for the respondents, on the other hand, submitted that the petitioner had earlier approached this Court in W.P.(MD)No.5642 of 2015, for a writ of certiorarified mandamus to quash the proposal for construction of houses for SC/ST community and, consequently, to direct the respondents to return the petitioner's land and this Court, vide the order, dated 29.08.2023, dismissed the said Writ Petition. He further submitted that, in the said order, it was categorically observed that the lands were already acquired, used and handed over to the beneficiaries and the petitioner was a trespasser. He, therefore, submitted that the present Writ Petition was devoid of merits and the same deserved to be dismissed.

5. I have heard the learned counsel for the parties and also perused the materials available on record.

6. It is seen that the very same contention, that the petitioner continued to be in possession of the lands in question despite the acquisition proceedings, was raised before this Court in W.P.(MD) No.5642 of 2015. During the pendency of the said Writ Petition, the petitioner filed the above Writ Petition for the aforesaid relief, on the premise that possession continued



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with the petitioner even after acquisition. This Court, on the basis of the submissions of the respective counsels in W.P.(MD) No.5642 of 2015, rejected the plea of continuous possession of the petitioner and held that the petitioner's possession of the lands, if any, amounted to trespass. This Court also recorded the submission of the Government Counsel that the lands were handed over to the beneficiaries.

7. As this Court, in the earlier round of litigation in W.P.(MD) No. 5642 of 2015, categorically found that the possession of the petitioner was that of a trespasser, the plea now raised by the petitioner that due to his continuous possession, the proposal for allotting agricultural land for house sites should be cancelled, cannot be countenanced. I find no merits in the Writ Petition and hence the same is dismissed. No costs.

21.11.2024

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

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N.MALA, J.

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