



W.A(MD)No.1611 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2024

CORAM :

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.A(MD)No.1611 of 2016

S.Sarangapani

... Appellant

vs.

1. The Secretary to Government,
Adhi Dravidar & Tribal Welfare,
Fort St.George,
Chennai-600 009.

2. The Collector of Sivagangai,
Sivagangai.

3. The Special Tahsildar,
Adhi Dravidar Welfare,
Collectorate,
Sivagangai.

... Respondents

Appeal filed under Clause 15 of Letters Patent, to set aside the order of the learned Judge dated 27.06.2016 passed in W.P(MD)No.715 of 2009 so far as relates to the prayer of the petitioner of offer of alternative site and allow the writ appeal.

(Prayer amended vide Court order dated 07.02.2017 made in CMP(MD)No.859 of 2017 dated 07.02.2017).



W.A(MD)No.1611 of 2016

For Appellant : Mr.M.V.Venkataseshan
For Respondents : Mr.A.K.Manikkam
Special Government Pleader

WEB COPY

J U D G M E N T

(Judgment of the Court was made by V.BHAVANI SUBBAROYAN, J.)

Challenging the order dated 27.06.2016 made in W.P(MD)No.715 of 2009 so far as rejection of the appellant's prayer regarding his offer of alternative site, this writ appeal is filed.

2. The facts leading to the writ appeal are that the Government acquired an extent of 3.45.0 hectares of land in Survey No.56/1C invoking the provisions of Tamil Nadu Act 31/1978. However, notice issued to the appellant contained a statement to the effect that only an extent of 2.15.0 hectares was sought to be acquired. Therefore, the appellant challenged the notification issued by the second respondent dated 07.03.1998, vide W.P.No.2220 of 1999. This Court, by order dated 25.02.1999, permitted acquisition of 2.15.0 hectares of land. The said order was challenged by the petitioner in W.A.No.558 of 1999 which was dismissed. The Special Leave Petition filed thereagainst in S.L.P. (Civil)No.13462 of 2004 was also dismissed by the Hon'ble Supreme



W.A(MD)No.1611 of 2016

Court. According to the appellant, he was given liberty to approach the authorities for giving an alternative site. Hence, he submitted a representation to the 3rd respondent who rejected the same stating that the acquisition is in respect of 3.45.0 hectares of land and it was assigned to the beneficiaries. Challenging the same, the appellant filed writ petition.

3. The Writ Court having regard to the order passed in earlier W.P.No.558 of 1999 permitting acquisition of 2.15.0 hectare of land, held that the 3rd respondent is entitled to take acquisition only an extent of 2.15.0 hectares and accordingly set aside the impugned communication of the 3rd respondent in respect of total extent of land. As far as the offer of alternative site by the appellant, the Writ Court rejected the same holding that the acquisition process has come to end in 1998 itself and the 3rd respondent divided the acquired land and allotted the same to the beneficiaries and further, such offer was not made in the earlier writ petition in 1999. The appellant though filed writ appeal challenging the entire order of the learned Single Judge, subsequently in 2017, amended his prayer challenging the order of the Writ Court only so far as the rejection of his prayer regarding his offer of alternative site.



W.A(MD)No.1611 of 2016

4. Learned Special Government Pleader produced G.O(Ms)No.

114, Adi Dravidar and Tribal Welfare Department, dated 28.11.2022, wherein, out of the total extent of 3.45.0 hectares acquired, the revenue records in respect of 1.30.0 hectares were directed to be mutated in the name of the appellant and 16 others in compliance of the order of the Writ Court.

5. The amended prayer of the appellant in this appeal is to set aside the order of the learned Single Judge rejecting his prayer to direct the Government to accept the appellant's offer of alternate site. In this regard, we have perused the observation of the Writ Court in the impugned judgment. As rightly held by the learned Judge, there is no question of giving alternative site at this point of time. The acquisition came to an end in 1998 itself. Even the appellant did not come forward with such prayer in the earlier writ petition bearing W.P.No.2220 of 1999 challenging the acquisition notification. Further, the acquired land were divided and allotted to the beneficiaries in compliance of the purpose for which it was acquired. Thus, we find that the prayer of the appellant to accept his offer of alternative site by the Government, cannot be entertained and it is hit by inordinate delay and laches. It is a well settled



W.A(MD)No.1611 of 2016

law that delay defeats equity. Acquisition proceedings were initiated in 1998 under the provisions of the Tamil Nadu Harijan Welfare Scheme Act and the Rules (Tamil Nadu Act 31/78) framed thereunder, for providing house sites to Harijans. The purpose for which the lands were acquired has already been achieved by dividing it and allotting it to the eligible beneficiaries. The acquisition proceedings were initiated in larger public interest and which cannot be changed at the whims and fancies of the appellant. As stated supra, the amended prayer of the appellant is also hit by delay and laches, as such, we do not see any reason to interfere with the order passed by the learned Single Judge.

6. The Writ Appeal is accordingly dismissed. No costs.

(V.B.S., J.)

(K.K.R.K., J.)

07.03.2024

Index : Yes / No
Neutral Citation : Yes / No
bala

To

1. The Secretary to Government,
Adhi Dravidar & Tribal Welfare,
Fort St.George, Chennai-600 009.



W.A(MD)No.1611 of 2016

2. The Collector of Sivagangai,
Sivagangai.

3. The Special Tahsildar,
Adhi Dravidar Welfare,
Collectorate, Sivagangai.



WEB COPY



W.A(MD)No.1611 of 2016

V.BHAVANI SUBBAROYAN, J.
and
K.K.RAMAKRISHNAN, J.

bala

JUDGMENT MADE IN
W.A(MD)No.1611 of 2016
DATED : 07.03.2024