



W.P.(MD) No.22929 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

W.P.(MD) No.22929 of 2016

and

W.M.P(MD)No.16404 of 2016

1.Jeyamani

2.Santhi

3.Pagavathi

4.Sakthivel

5.Kalanchiyam

.. Petitioners

Vs.

1.The Commissioner,
Adi Dravidar Welfare Scheme,
Chief Secretariat,
Chennai.

2.The District Collector cum District Welfare Officer,
of Adi Dravidar,
Collectorate Buildings,
Madurai.

3.The Special Tahsildar (Land Acquisition),
Adi Dravidar Welfare Scheme,
Melur Taluk Unit-II,
Madurai-625 020.

.. Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order in his proceedings Na.Ka.No. 122/2015/AA2, dated 31.07.2015 and quash the same as illegal and consequentially to direct the respondents to release the land in survey No.223/6 to an extent of 1 acre 96 cent situated in Kunnarampatti Village, Melur Taluk, Madurai District within the period that may be stipulated by this Court.

For Petitioners : Ms.J.Irfana Fathima
for M/s.Ajmal Associates

For Respondents : Mr.B.Saravanan
Additional Government Pleader

ORDER

Challenging the order, dated 31.07.2015 passed by the 3rd respondent, quash the same and to consequentially direct the respondents to release the land in survey No.223/6 measuring an extent of 1 acre 96 cents situated in Kunnarampatti Village, Melur Taluk, Madurai District, the petitioner has filed this writ petition.

2. The petitioners would contend that the land in Survey No.263/6 in the aforesaid village was owned by their father Palanisamy who has



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purchased the same under a registered sale deed, dated 09.05.1975. Since then, their father has been in absolute possession and enjoyment of the said property. While so, the lands were acquired for constructing houses for Adi Dravidar in the year 1997. Since there was a dispute with reference to the compensation, the petitioners' father had filed L.A.O.P.No.158 of 1998 on the file of the First Additional Sub Court, Madurai to declare that he is the owner and entitled to receive the compensation and the same was ordered on 19.10.2000. However, the petitioners' father aggrieved by the compensation granted, filed an appeal in L.A.C.M.A.No.1999 before the Additional Sub Court, Melur to pay compensation in keeping with the market value. Pending proceedings, their father had died on 23.12.2011 leaving behind the petitioners as legal heirs. The petitioners would submit that though 17 years have passed, the property has not been taken possession by the Government. Further, the petitioner had been cultivating the property till about recently, but now the land is fallow on account of scanty rainfall.



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3. On 17.11.2014, the petitioners had given a representation to the respondents to reconvey the property since they had no other properties other than the one acquired and on account of the fact that the compensation had not been awarded, there was no action upon his request constraining the petitioners to file W.P(MD)No.1444 of 2015 seeking a direction to redeem the property in question. By an order, dated 15.06.2015, the 3rd respondent was directed to consider and pass orders on the petitioners' representation, dated 17.11.2014. The impugned order has been passed on the above representation rejecting the request to reconvey the land. The petitioners' contention is that when the property is not utilized for the purpose for which it was acquired, the same should be reconveyed since the right to property is a constitutional right.

4. The 3rd respondent has filed a counter inter alia denying the contention of the petitioner that the lands are not put to use. He would submit that the compensation has already been ordered to the petitioners' father who did not come to collect it and therefore, the same has been deposited before the Principal Additional Sub Court, Madurai on



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30.08.1998. The revenue records have also been changed as Adi Dravidar Natham. He would further submit that the appeal filed against the order in L.A.O.P.No.158 of 1998 has been dismissed for default. The properties have been acquired for providing house site to houseless poor Adi Dravidar. The properties could not be handed over to the assignees since there was a stay operating against the respondents. The property has been plotted out and what remains is only the assignment being granted. He would further submit that the request for reconveyance cannot be complied with since under Act 31 of 1978, the land has been acquired and there is no provision for reconveyance of the land unlike in the case of Land Acquisition Act, 1894.

5. Heard the learned counsel on either side.

6. Admittedly, the petitioner has rushed to Court and obtained an interim order. As a result of which, the respondents have not been able to allot the plots to the various assignees. The respondents have clearly stated that the lands are required for giving house sites to homeless Adi



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Dravidars and it is also seen that the petitioner' father had not questioned the acquisition, but had only sought for a higher compensation. Therefore, in these circumstances, this writ petition being filed for a reconveyance on the ground that the property has not been utilized, cannot be countenanced in the light of the orders of interim stay obtained by the petitioner.

7. In view of the above circumstances, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

19.09.2024

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

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P.T.ASHA, J.

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