



W.P.(MD) No.775 of 2016

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.10.2024

**CORAM:**

**THE HONOURABLE MS.JUSTICE P.T.ASHA**

**W.P.(MD) No.775 of 2016**

M.Chandrasekar

... Petitioner

Vs.

1.The Commissioner and Director,  
Adi Dravida and Tribal Welfare Department,  
Chepauk,  
Chennai-600 005.

2.The District Collector,  
Madurai District,  
Collector's Office,  
Madurai.

3.The District Adi Dravidar and Welfare Officer,  
Collector's Office,  
Madurai.

4.The Tahsildar,  
Peraiyur,  
Madurai District.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,  
praying for issuance of Writ of Mandamus, directing the 1<sup>st</sup> respondent to



W.P.(MD) No.775 of 2016

reclassify the land in S.No.223/6B measuring 1 Acre and 58 cents at Chinna Poolampatty Village, Peraiyur, Madurai District.

For Petitioner : Mr.N.Sundareshan

For Respondents : Mr.P.Thambidurai  
Government Advocate

### **ORDER**

Seeking a mandamus to the 1<sup>st</sup> respondent to reclassify the lands and reconvey the property back to the petitioner by issuing patta, the petitioner is before this Court.

2. The petitioner's father had purchased three properties at Thirumangalam Taluk, Chinnapoolampatty in Survey Nos.223/6A, 223/6B and 223/6C. These three properties were lying adjacent to each other and the property measuring an extent of 1 acre 58 cents in Survey No.223/6B was situate between Survey Nos.223/6A and 223/6C. While they were enjoying the property, the Special Tahsildar sought to acquire an extent of 1 acre and 58 cents in Survey No.223/6B. The petitioner's father had objected to the acquisition. However, the Tahsildar proceeded



W.P.(MD) No.775 of 2016

WEB COPY

to issue the acquisition order. The petitioner's father had challenged the proceedings in W.P(MD)No.6639 of 1995 and by an order, dated 28.08.2001, the entire acquisition proceedings had been cancelled with liberty to initiate fresh proceedings under the Tamil Nadu Act 31 of 1978. Pursuant to the orders of this Court, the acquisition proceedings were dropped and no further proceedings were taken. Further, the land was never taken possession by the respondents till date.

3. Meanwhile, the petitioner's father had died on 28.12.1999 leaving behind the petitioner and his two brothers. When petitioner and his brothers in order to get patta jointly in their name, had approached the revenue department, they were informed that the lands have been classified as Natham poramboke, despite the order of this Court quashing the proceedings in the year 2001. The petitioner thereafter issued a legal notice to cancel the wrong classification as Natham poramboke and to reclassify them as their patta lands. The petitioner would submit that although several recommendations were being forwarded, no further action was taken to either initiate acquisition proceedings or to restore



W.P.(MD) No.775 of 2016

the property to the petitioner. The respondents have not filed written statement and since the lands had not been taken possession to date and the petitioner's request for reclassification was pending, this Court had directed the learned Government Advocate to get instructions from the 1<sup>st</sup> respondent as to the progress of the letter, dated 17.05.2010 which was sent by the Tahsildar, Peraiyur to the petitioner stating that the Director of the Adi Dravidar and Tribal Welfare is the competent authority to reclassify the land and he had recommended to pass orders. On two occasions time was sought and today, a communication is produced wherein it is stated that the District Collector had sought permission to acquire the said lands for issuing free house site patta and in view of the orders of this Court in W.P(MD)No.6639 of 1995, dated 28.08.2001, permission has been granted to acquire the said lands afresh.

4. Heard the learned counsel on either side.

5. Admittedly, from the date of acquisition proceedings, possession of land has not been taken and the entire proceedings had been quashed



W.P.(MD) No.775 of 2016

by the orders of this Court, dated 28.08.2001. Till date nothing is stated as to why fresh steps for acquiring the lands had not been taken as directed by this Court while passing orders in W.P(MD)No.6639 of 1995. The respondents have slept over the liberty granted under the above order for all these years and it is only when the matter has come up before this Court and this Court had prompted a response that the decision to take steps to issue notice under Tamil Nadu Act 31 of 1978 has been initiated which is nothing but an after thought. It is crystal clear that the lands are not required by the respondents. Further possession of the property continues with the petitioner and compensation has not been received by or paid to the petitioner. The discretion available to the respondents under Section 48 B of the Land Acquisition Act would be available if the lands had been acquired by them. In the present case, the proceedings itself has been cancelled. Therefore, the respondents are directed to reconvey the said land to the petitioner within a period of six (6) weeks from the date of receipt of copy of this order.



W.P.(MD) No.775 of 2016

WEB COPY

6. Therefore, this Writ Petition stands allowed. No costs.

**03.10.2024**

NCC : Yes/No

Index : Yes/No

Internet : Yes

gbg

To

- 1.The Commissioner and Director,  
Adi Dravida and Tribal Welfare Department,  
Chepauk,  
Chennai-600 005.
- 2.The District Collector,  
Madurai District,  
Collector's Office,  
Madurai.
- 3.The District Adi Dravidar and Welfare Officer,  
Collector's Office,  
Madurai.
- 4.The Tahsildar,  
Peraiyur,  
Madurai District.



WEB COPY



W.P.(MD) No.775 of 2016

**P.T.ASHA, J.**

gbg

**W.P.(MD) No.775 of 2016**

**03.10.2024**