



W.P.(MD).No.29155 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.03.2024

CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.29155 of 2022

and

W.M.P.(MD).Nos.23106 and 23125 of 2022

1.P.Muthukrishnan

2.K.M.Sheik Maideen

... Petitioners

Vs.

1.The Secretary,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai - 600 009.

2.The District Collector,
Collectorate,
Tirunelveli District.

3.The Sub Collector,
Sub Collector Office,
Cheranmahadevi,
Tirunelveli District.

4.The Tahsildar,
Tahsildar Office,
Cheranmahadevi,
Tirunelveli District.

5.The Sub Registrar,
Kallidaikurichi,
Ambasamudram Taluk,
Tirunelveli District.



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6.C.Anbuselvam,
State President,
Veera Tamilar Viduthalai Sangam,
No.13, Ebenezer Street, Pallikaranai,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 2nd respondent herein in his proceedings in Na.Ka.No.Pa1/36095/2020 dated 26.11.2022 and quash the same as illegal and further direct the respondents herein not to interfere with the petitioners' absolute right, title and possession in the land in Survey Nos. 176/1A part, 18, 2A1 part, 2A2, 178/1A1, 2A1, 2B to an extent of 9.21 Acres in South Kallidaikurichi Village, Ambasamudram Taluk, Tirunelveli District as per the order dated 06.03.2013 passed in WP.No.29125 of 2003 forthwith.

For Petitioners : Mr.V.Meenakshi Sundaram

For R-1 to R-5 : Mr.S.Kameswaran
Government Advocate

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondents 1 to 5.

2. The petition mentioned lands were acquired under the provisions of the Tamil Nadu Act 31 of 1978. The acquisition proceedings were put to challenge in W.P.Nos.1815 and 1853 of 1999. The Writ Petitions were allowed on 13.09.2000 and the acquisition proceedings were quashed. Subsequently,



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W.P.No.29125 of 2003 was filed and the same was disposed of on 06.03.2013 by directing the District Collector to invoke Section 47 of the Land Acquisition Act.

3. The petitioners are purchasers. They moved the second respondent for relief. The second respondent vide order dated 26.11.2022 negated the petitioners' request. Challenging the same, the present Writ Petition came to be filed.

4. The fourth respondent has filed a counter affidavit and the learned Government Advocate took me through its contents. The prime argument is that the persons belonging to marginalised community are presently residing in the petition mentioned land and they were granted assignment patta. The aggrieved persons filed W.P.(MD).No.2498 of 2014 and it was disposed of by this Court on 17.08.2017 in the following terms:

“3.Since the Writ Petitioners belong to the marginalised sections of the Society, this Court directs the second respondent to sympathetically look into their representation dated 03.02.2014 and thereafter, pass appropriate order in accordance with law, taking into account the condition of the writ petitioners, within a period of three months from the date of receipt of a copy of this order. Till a decision is taken by the second respondent, the writ



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petitioners ought not be evicted. In any event, the writ petitioners shall not be dispossessed, except by due course of law.”

Therefore, the respondents 1 to 5 are reluctant to throw out the occupants.

5. The stand of the respondents cannot be appreciated. The fact remains that the acquisition proceedings were quashed. Only during the pendency of the challenge to the acquisition proceedings, assignment pattas came to be issued. Once the acquisition proceedings came to be quashed, the assignment pattas are also liable to be cancelled. In fact, the assignment pattas came to be subsequently cancelled. Since the assignees were allowed to reside only by virtue of the orders passed by the authorities, the authorities are obliged to put the clock back and the *status quo ante* must be restored by the authorities. That is why this Court vide order dated 06.03.2013 in W.P.No.29125 of 2003 directed the District Collector to invoke his power under Section 47 of the Act.

6. At this stage, the learned counsel for the petitioners submits that 12 of the 22 occupants have already taken sale deeds from the petitioners. In fact, the petitioners are ready to adopt the same course of action in respect of the remaining 10 occupants also.



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7. The second respondent is therefore directed to associate the petitioner in such an exercise. If the authorities want to oblige the remaining 10 occupants, the authorities can as well pay the sale consideration directly to the petitioners and secure sale deeds in favour of the occupants. If the authorities are not willing to adopt such course of action, it is the duty of the second respondent to evict the occupants and hand over vacant possession to the petitioners herein. The above exercise shall be completed by the second respondent within a period of five (5) months from the date of receipt of a copy of this order. The impugned order passed by the second respondent dated 26.11.2022 is set aside.

8. Accordingly, this Writ Petition is allowed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.03.2024

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



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G.R.SWAMINATHAN, J.

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