



W.P.No.14134 of 2012

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2025

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.14134 of 2012

and

M.P.No.1 of 2012

G.Uma Maheswari

..... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai-600 009.

2. The Special Tahsildhar (Land Acquisition),
Adi Dravidar and Tribal Welfare,
Walajah Taluk,
Vellore District.

3. The Tahsildar,
Arakkonam Taluk,
Vellore District.

..... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Certiorarified Mandamus, praying to call for the records and quash the impugned notice dated 03.05.2012 issued by the 2nd Respondent in Na.Ka.A.1706/1987 and direct the Respondents to re-convey the lands in S.F.No.323A/1B2, 323A/1C2. 323A/1D2, 323A/2B,



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Kainur Village, based on the petitioner's representation dated 23.01.2012.

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For Petitioner : Mr.P.Venkataraman

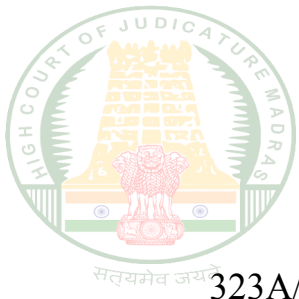
For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

This Writ Petition has been filed challenging the notice dated 03.05.2012 issued by the second respondent, thereby directed the petitioner to vacate and remove all encroachments within a period of fifteen days, failing which the Government would itself remove the petitioner from the subject property.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Pending the writ petition, the petitioner filed a petition in W.M.P.No.16638 of 2025 seeking amendment of the prayer. The property, comprised in Survey No.323A/1C, now sub-divided as Survey No.323A/1C2B to an extent of 52.5 ares (1 acre 30 cents), Survey No.323A/1D2 to an extent of 48.5 ares (1 acre 20 cents) and Survey No.



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323A/2B to an extent of 53.5 ares (1 acre 32 cents) situated at Kainur Village, Arakkonam Taluk, Vellore District, aggregating a total extent of 3 acres 82 cents. The said property was purchased by the petitioner's husband and his brother by registered sale deeds dated 23.11.198 and 13.10.2000. Thereafter, the petitioner's husband also constructed a building and carried brick kiln business in the subject property. He died on 03.01.2012, leaving behind the petitioner, his son and his daughter. Thereafter, the petitioner, being a legal heir, inherited the share of her husband. Consequently, the petitioner and her son, along with her husband's brother M.Velu, became the joint owners of the entire extent of the property.

4. At the time of purchase, the petitioner had absolutely no knowledge about the acquisition of the subject property. Subsequently, the petitioner came to know of the same belatedly and challenged the land acquisition proceedings on the ground that the land acquisition proceedings had been initiated under the Land Acquisition Act instead of under the provisions of the Tamil Nadu Harijan Welfare Scheme Act, 1978 (Act 31 of 1978). Though the petitioner's vendor challenged the



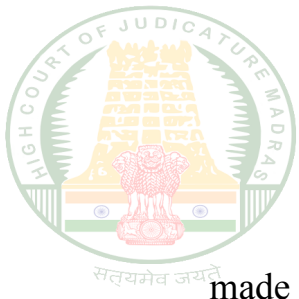
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acquisition proceedings and the same came to be dismissed, upon the acquisition proceeding came to the knowledge of the petitioner, the entire land acquisition proceedings have been challenged as per Section 22 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as “New Act”). Hence, the entire acquisition proceedings stand vitiated and the petitioner is entitled to the benefits contemplated under Section 22(2) of the New Act.

5. Further, the very purpose for which the land acquisition initiated has already been over. The needy people were ready to construct houses under the various schemes i.e. (i) Samathuvapuram (ii) by giving house site pattas in the lands acquired under the provisions of Tamil Nadu Act 31 of 1978 and got through private negotiations in Kainur Village and its hamlets; and (iii) by regularizing some of the erstwhile residents under the one time regularization scheme. Therefore, the entire land acquisition proceedings in respect of the subject property cannot be sustained and liable to be quashed.

6. A perusal of the counter affidavit and the submissions



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made by the learned Government Advocate reveals that the Government, by order in G.O.Ms.No.1474 Adi-Dravidar and Tribal Welfare Department, dated 07.08.1989, approved the 4(1) Notification under the Land Acquisition Act 1894 for the acquisition of 2.83.5 Hectare of dry lands in S.No.323A/1B, 323/1A, 323A/1D & 323A/2 situated at Kainur Village, Arakkonam Taluk, Vellore District. The Government, after conducting enquiry, approved the declaration under Section 6 of the Land Acquisition Act 1894, which was published in the Tamil Nadu Government Gazatte on 22.08.1990. Thereafter, the Special Tahsildar (Land Acquisition), Adi-Dravidar Welfare, Wallaja, passed award No.8/92-93 dated 20.08.1992. However, the land owners did not appear to receive the compensation and the entire compensation amount was deposited in the Revenue Deposit of the Sub-Treasury, Walajah on 28.03.1994. In the meantime, the land owners filed writ petitions before this Court in W.P.Nos.13813, 13990 & 12690 of 1992, challenging the declaration under Section 6 of the Land Acquisition Act 1894 as well as the award dated 20.08.1992. However, all the writ petitions were dismissed by order dated 25.11.1999.

7. Even after dismissal of the writ petitions, the acquired



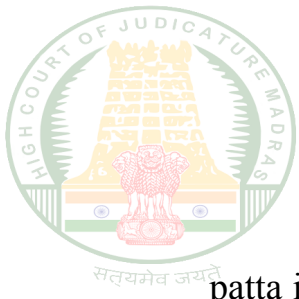
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land was purchased by the petitioner's husband and his brother.

Thereafter, in order to evict the petitioner, notice was issued on 03.05.2012 for the purpose of laying out the subject land to issue house site pattas to the poor eligible Adi Dravidars. However, the possession of the subject land was not taken over by the respondents. Further, the award amount was not deposited before any Court of law. Admittedly, it was only deposited as Revenue Deposit in the Sub-Treasury, Walajah on 28.03.1994. On these grounds alone, the petitioner is entitled to the relief under Section 24(2) of the New Act.

8. As held by the Hon'ble Supreme Court of India in ***Indore Development Authority V. Shailendra*** reported in ***2014 (1) SCC 183***, after the commencement of the New Act, the land owners retain the absolute right to maintain their possession and title to the property, since the physical possession of the lands were not taken from the land owners and the compensation was not paid under the provisions of the Old Act. Consequently, the entire land acquisition proceedings stand vitiated and are liable to be set aside. That apart, after purchase of the subject property by the petitioner's husband and his brother, they were issued



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patta in Patta No.315 and after the demise of the petitioner's husband, the petitioner was issued patta in Patta No.393. It is also duly uploaded in the official Tamil Nadu Government portal.

9. In view of the foregoing discussion, the land acquisition proceedings in respect of lands purchased by the petitioner comprised in S.F.No.323A/1B2, 323A/1C2, 323A/1D2, 323A/2B, situated at Kainur Village, Arakkonam Taluk, Vellore District, are hereby quashed. Accordingly, this Writ Petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

03.09.2025

Internet : Yes
Index : Yes/No
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Note : Issue order copy on 29.09.2025

G.K.ILANTHIRAIYAN, J.



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To

1. The Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Fort St. George, Chennai-600 009.

2. The Special Tahsildhar (Land Acquisition),
Adi Dravidar and Tribal Welfare,
Walajah Taluk,
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