



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-03-2025

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THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA Nos. 1942 & 1944 of 2024

and

CMP Nos.13986 & 13992 of 2024

W.A.No.1942 of 2024:

1.K.Sankaravadivelu

2.Venkatakrishna Janakiraman

3.J.Janet

4.Amudha

5.S.Jeyakumar

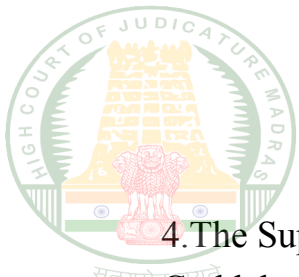
... Appellants

Vs

1.K.Kousalya

2.A.Gowri

3.The District Collector,
Cuddalore District,
O/o. Collectorate,
Cuddalore – 607 001.



4.The Superintendent of Police,
Cuddalore District,
Cuddalore.

5.The Special Tahsildar (ADW)
O/o. Special Tahsildar,
Cuddalore.

... Respondents

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, in any event the order dated 03.11.2023 made in WP No.29071/2023 passed by this Court is illegal, unsound and liable to be set aside by this High Court.

For Appellant(s): Mr.E.Ethirajulu

For Respondent(s): Mr.J.Jayamalan For
Mr.S.Nedunchezhiyan For R1 &
R2
Mr.A.Selvendran SGP For R3 to
R5

W.A.No.1944 of 2024:

1.K.Ramakrishnan

2.Mahalakshmi

3.R.Radha

4.Hema

5.V.Kalpana



6.R.Nagarajan

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WA Nos. 1942 & 1944 of 2024



Appellant(s)

Vs

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Cuddalore District,
O/o. Collectorate,
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Respondent(s)

PRAYER

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For Appellant(s): Mr.E.Ethirajulu

For Respondent(s): Mr.J.Jayamalan For
Mr.S.Nedunchezhiyan For R1 &
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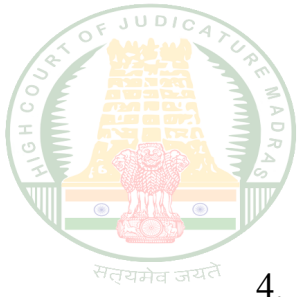
COMMON JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The present Intra-Court Appeals have been instituted to assail the order dated 03.11.2023 passed in W.P.No.29701 of 2023. The petitioners in the writ petition are the respondents before this Court. The writ petition was instituted seeking a direction to consider the representation for acquisition of land.

2. The learned Single Judge considered the claim of the respondents and issued a direction to the official respondents to initiate fresh land acquisition proceedings by following the due procedures contemplated under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978. The exercise was directed to be completed within a period of one year and further direction was issued to handover the house sites to the respondents / writ petitioners.

3. Thus, the present appeals have been instituted against the order passed by the learned Single Judge, who considered the claim of the respondents and issued directions accordingly.

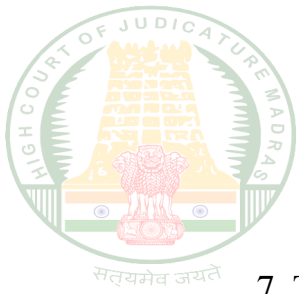


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4. Mr.A.Selvendran, the learned Special Government Pleader appearing on behalf of the official respondents would submit that 4(1) Notification was quashed by the Court. Since the Government has decided not to initiate any fresh acquisition proceedings, no further consideration is required, as further proceedings are unnecessary regarding the subject property.

5. The learned counsel for the respondents 1 and 2 in the present writ appeal would submit that in the event of providing an alternate land to the private respondents they are willing to occupy the same.

6. This Court is of the considered opinion that Court cannot direct the Government to acquire the private land. Land Acquisition must be made only in the interest of the public and by following due process. Administrative decision is to be taken by the Government and acquisition being a policy decision, directions of the Courts would cause prejudice to the interest of the land owners, who have property right under the Constitution.



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7. Therefore, the directions issued by the Writ Court to acquire the subject property under the Act is not in consonance with the established principles. It is always left open to the discretion of the Government and in the interest of the public to acquire the lands for implementing public scheme or for the benefit of the public at large. That being so, the directions issued is infirm.

8. As far as the claim of the appellants are concerned, they are the land owners. The respondents 1 and 2 / writ petitioners are presently considered as encroachers. Therefore, the encroachers are at liberty to submit an application before the competent authorities for allotment of tenement or alternate land, as the case may be and based on the eligibility. In the event of receiving any such application, the authorities may consider based on the existing scheme, if any for allotment of tenement / lands for the landless poor people.

9. In view of the facts and circumstances, the writ order dated 03.11.2023 passed in W.P.No.29071 of 2023 is set aside and the writ appeals stand allowed.



The connected Miscellaneous Petitions are closed. There shall be no order as to costs.

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(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

04-03-2025

Jeni

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

To

1.K.Kousalya

W/O. Vignesh, Panangattu Colony,
Kondur, Cuddalore District -6.

2.A.Gowri,

W/o. Anbalagan, Panangattu Colony,
Kondur, Cuddalore

3.The District Collector

Cuddalore District, O/o. Collectorate,
Cuddalore 607 001

4.The Superintendent of Police

Cuddalore District, Cuddalore

5.The Special Tahsildar (ADW),

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**S.M.SUBRAMANIAM
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