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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.09.2025

CORAM:

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

W.P.No.21499 of 2018
and W.M.P.Nos.25239 to 25241 of 2018

1.Chenrayan
2.Govindasamy
3.Chinnaraj ..... Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by Secretary to Govt.,
Social Welfare Department,
Fort St. George, Chennai.

2.The Special Tahsildar
Harijan Welfare,
Krishnagiri.

3.The District Collector,
Krishnagiri ..... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records on the file of 2nd respondent made in Na.Ka.No.77/1992/A dated 13.07.2018 and quash the same and consequently direct the 1st respondent to re-convey the land in an extend of 1-57-0 ha in S.No.26/2A2 Mathepatty Village, No.78, Marigampalli, Krishnagiri District in the petitioners favour.

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For Petitioners : Mr.Selvi George

For Respondents : Mr.T.Arun Kumar
Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the order dated 13.07.2018 passed by the second respondent, thereby rejected the request made by the petitioner for re-conveyance of the land, measuring 1-57-0 hectares, comprised in survey No.26/2A2, situated at Mathepatty Village, No.78, Marigampalli, Krishnagiri District.

2. The petitioner owned a land comprised in survey No.26/2A2, situated at Mathepatty Village, No.78, Marigampalli, Krishnagiri District. While being so, the respondent had acquired the subject land. However, the possession of the subject land was not taken over by the respondents. Therefore, the petitioner submitted a representation seeking re-conveyance of the subject property. However, the request was pending without consideration and the petitioner approached this Court in W.P.No.38353 of 2006. This Court, by an order dated 10.01.2001, directed the petitioner to submit the representation to the Government within a period of two weeks and on receipt of the same,

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the Government was to consider the same.

3. In view of the principles laid down by the Hon'ble Division Bench of this Court reported in ***2006 (4) CTC 290*** in the case of ***R.Shanmugham and others Vs. State of Tamil Nadu,*** the petitioner was required to comply with the time stipulated. However, the petitioner failed to submit the representation within the time stipulated by this Court. Thereafter, the petitioner made representation belatedly, which was rejected on the ground of non-compliance with the time stipulated by this Court.

4. The learned counsel appearing for the petitioner submitted that the petitioner is in possession and enjoyment of the subject land. Though the subject land was acquired to provide free house sites to poor Adi Dravidars, the selected beneficiaries have already been granted patta land. The petitioners are poor agriculturists and have no other source of livelihood.

5. A perusal of the counter affidavit filed by the

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respondents, as well the submission made by the learned Additional Government Pleader, reveals that the subject land, along with other lands, was acquired for the purpose of providing free house sites to the houseless poor Adi Dravidars of the village, since no suitable Government lands are available in the said village. After the acquisition of the subject land, the petitioner submitted a representation for re-conveyance of the land only after a period of eleven months. Though this Court had directed the petitioner to submit the representation to the Government within a period of two weeks, the petitioner failed to make any application. That apart, now the petitioner cannot be raised the ground that the entire land acquisition proceedings itself lapsed under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Once the land has been acquired and possession has been taken over by the respondents, the petitioner is not vested with any right to claim re-conveyance of the subject property. Further, though the petitioner is in possession of the subject property, on that basis, it is no more open to declare lapsing of acquisition in light of the decision of the Constitution Bench of this Court in ***Indore Development Authority Vs. Manohar Lal & Ors*** reported ***in (2020) 8 SCC 876***.

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6. In this regard, it is relevant to rely upon the Judgment of the Hon'ble Supreme Court reported in ***(2010) 2 SCC 786*** in the case of ***Tamil Nadu Housing Board Vs. Chandrasekaran (Died) by LRs. and others,*** wherein it was held as follows :

> *28. It need no emphasis that in exercise of power under Section 48-B of the Act, the Government can release the acquired land only till the same continues to vest in it and that too if it is satisfied that the acquired land is not needed for the purpose for which it was acquired or for any other public purpose. To put is differently, if the acquired land has already been transferred to any agency, the Government cannot exercise power under Section 48-B of the Act and reconvey the same to the original owner. In any case, the Government cannot be compelled to reconvey the land to the original owner if the same can be utilised for any public purpose other than the one for which it was acquired.*

7. This, it is clear that the acquired land has already been transferred to another agency. Hence, the Government cannot exercise its powers under Section 48(b) of the Land Acquisition Act to re-conveyance to subject land to the original land owner. Therefore, the request of the petitioner was rightly rejected.

8. In view of the above, this Court finds no infirmity or

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illegality in the order passed by the second respondent. Thus, the writ petition lacks merits and is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

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Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
Lpp

To

1.The Secretary to Government,
State of Tamil Nadu,
Social Welfare Department,
Fort St. George, Chennai.

2.The Special Tahsildar
Harijan Welfare, Krishnagiri

3.The District Collector,
Krishnagiri

G.K.ILANTHIRAIYAN. J,

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