



Review Application Nos.258 & 259 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.04.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM**

Review Application Nos.258 & 259 of 2024

1.The State of Tamil Nadu,
Rep. by its Secretary to Govt.
Adi Dravidar & Tribal Welfare Department,
F.S.G., Madras – 9.

2.The District Collector,
Tiruvallur District,
Tiruvallur.

3.The Special Tahsildar,
Adi Dravidar Welfare
Tirutani, Tiruvallur District

... Petitioners in both
Review Applications

-Vs-

1.L.Baskaran

... Respondent in both
Review Applications

2.Usha

... Second Respondent in
Rev.Appl No.258 of 2024

Prayer :- Review Applications preferred under Order 47, Rule 1 read with Section 114 of Civil Procedure Code to review the orders dated 05.07.2021 made in W.A.Nos.2410 & 2411 of 2013 respectively.



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For Petitioners : Mr.R.Ramanlal, A.A.G.
Assisted by
Mr.A.Selvendran, Spl G.P.

For Respondents : Mr.S.Wilson
for Mr.V.B.Perumal Raj
for R1 in both
the Review Applications

ORDER

(Order of the Court was made by **R.SURESH KUMAR, J.**)

These two Review Applications have been filed against the impugned orders passed by the Division Bench made in W.A.Nos. 2410 & 2411 of 2013.

2.It was a land acquisition proceeding initiated under 4(1) Notification of the Tamil Nadu Acquisition of Land for Adi Dravidar Welfare Scheme Act.

3.In fact, the land acquisition notification under the said Act was questioned before the Writ Court in the writ petitions, i.e, W.P.Nos.7185 of 2001 and 22949 of 2009. Both the writ petitions were heard and disposed of by a common order passed by the Writ Court, dated 23.12.2011. Mainly on two grounds the 4 (1) Notification was quashed by the Writ Court. The first ground is that as per Rule 3 (i) of the Rules framed under the Act, notice had not been



given to the owner of the land. In order to ascertain this fact before the Writ

WEB COPY Court, in fact, the original file had been produced, which was perused by the learned Judge who exercises the power under Article 226. The Writ Court has recorded in paragraph No. 21 of the order dated 23.12.2011 to the following effect,

21. In page No.203 of the file, the copy of the Form I notice finds place. The purpose of acquisition as mentioned in the notice is for provision of house sites to Irulars. The petitioner's name finds place under the heading 'interested persons'. There is a seal stating "despatched" dated 13.10.1995. However, there is no postal acknowledgement receipt or postal acknowledgement card to establish that the Form I notice was served on the petitioners. In the report submitted by the Special Tahsildar to the District Collector dated 29.06.1996, which is found in page No.253 of the file, it is stated that notices were sent by registered post and the notice addressed to a person at Kalambakkam village, Tiruttani Taluk, returned with endorsement as "person deceased". Further, it is stated that the postal acknowledgement card evidencing service of notice is appended to the report. However, on a thorough scrutiny of the file, no such proof is available to show that notices were served on



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the land owners and interested persons by registered post. The learned Government Advocate also perused the files and was unable to show that Form I notice was served on the petitioner or the other interested persons or the registered holder of the land.

4. Another ground was that, insofar as the satisfaction to be recorded by the District Collector under rule 3(ii) is concerned, what has been recorded by the District Collector is nothing but a cyclostyled format. Therefore, having perused the same, the learned Writ Court, at paragraph No.24, has observed as follows:

24. The second contention raised by the learned counsel for the petitioner is that the satisfaction of the District collector has not been recorded as required to be done under Rule 3(ii) of the Rules. On perusal of the files, it is seen that the District Collector has issued a proceedings dated 17.12.1998. The said proceedings is in a cyclostyled format and it states that the District Collector accepts the recommendations of the Special Tahsildar. The cyclostyled format appears to have been prepared as a standard format in respect "of acquisition under the State Act and the relevant details have been hand written. The Hon'ble Full Bench of this Court in the decision



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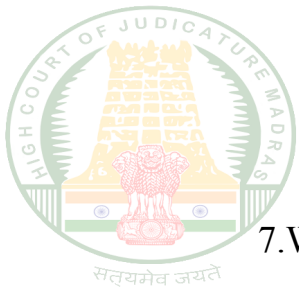


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quoted supra, held that the District Collector is expected to reflect the reasons, but merely because the communication to the land owner does not contain the reasons, the decision of the Collector is not vitiated and it would always be open to the authority to prove before the Court that there has been application of mind and reasons are available in the relevant records relating to the acquisition and the necessity to record reasons is applicable also to cases where the Collector takes a decision on the basis of the report of the Special Tahsildar.

5. Mainly on these grounds, the writ petitions were allowed by quashing the 4(1) Notification.

6. Aggrieved over the same, the Intra Court Appeals as stated supra, was filed by the State, where also the Division Bench having gone through the orders passed by Writ Court, especially, on these two grounds, mainly on the ground that Rule 3(i) notice has not been complied with as there has been no notice was served in the manner known to law. Based on these factual matrix having been perused and found out by the Writ Court since the writ petitions were allowed, the Division Bench also was pleased to confirm the order on 05.07.2021, which is sought to be reviewed in these review applications.



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7. We have heard the learned Additional Advocate General appearing for the appellants and the learned counsel for the respondents.

8. Against these two main grounds under which since the writ petitions were allowed and 4(1) Notification was quashed and the said order was confirmed by the Division Bench, though an attempt has been made by the learned Additional Advocate General appearing for the State that such a notice under Rule 3(i) had been served upon on the first respondent, no proof had been filed before this Court and also either before the Writ Court or before the Division Bench which disposed of the writ appeals.

9. In so far as the cyclostyled format, which was shown as if that the District Collector has recorded his opinion is concerned, it is factually found out by the learned Single Judge at paragraph No.24 of the Writ Court order, which has been extracted herein above, against which, absolutely there has been no document produced before this court to establish that the District Collector has independently applied his mind to the satisfaction as provided under Rule 3(ii) of the Rules.

10. When these grounds are still available for the petitioners and against these grounds, in order to assert the same, no documents had been filed before



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this Court. The finding given by the Writ Court after perusal of the original file

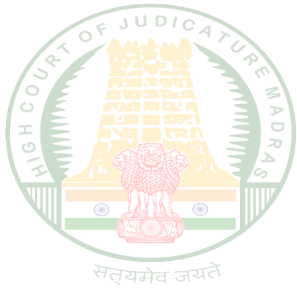
and confirmed by the Division Bench through the order impugned dated 05.07.2021, passed by the Division Bench, we do not feel that, those are erroneous. Moreover, in a Review Jurisdiction, if there is any error apparently on the face of the record, then only the Review Jurisdiction would come into play. Here in the case in hand, in view of the above said facts and circumstances, we do not find any such error on the face of the record in the order sought to be reviewed here.

11.Resultantly, both the Review Applications are liable to be dismissed and accordingly are dismissed. However, there shall be no order as to costs.

(R.S.K., J.) (V.S.G., J.)
23.04.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

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**R.SURESH KUMAR, J.
and
V.SIVAGNANAM, J.**

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To:

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