



WP.No.29547 of 2024

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In the High Court of Judicature at Madras

Dated : 04.2.2025

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.29547 of 2024 &
WMP.No.32205 of 2024

Vasanthi

...Petitioner

Vs

- 1.The State of Tamil Nadu, rep.
by the Secretary, Adi Dravidar
Welfare Department,
Fort St.George, Chennai-9.
- 2.The Director, Adi Dravidar
Welfare Department, Chepauk,
Chennai-5.
- 3.The District Collector,
Villupuram District, Villupuram.
- 4.The District Adi Dravidar &
Tribal Welfare Officer,
Villupuram District,
Villupuram.
- 5.The Special Tahsildar, Adi
Dravidar Welfare Department,
Villupuram, Villupuram District.
- 6.The Tahsildar, Tiruvennainallur
Taluk, Villupuram District.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Mandamus directing the respondents to



WP.No.29547 of 2024

WEB COPY

restore the revenue records namely Patta, Chitta, Adangal and A-Register in petitioner's favour and restore her possession of the property comprised in Survey No.127/5 situate at Manakuppam Village (Tirukoilur Taluk), now Tiruvonnainallur Taluk, Villupuram District based on the communication of the 4th respondent to the 2nd respondent dated 18.4.2023 in Na.Ka.No.M5/24922/2000 forthwith.

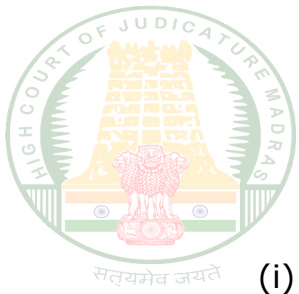
For Petitioner : Mr.C.Prabakaran
For Respondents : Mr.A.Selvendran, SGP

ORDER

This writ petition has been filed for the issuance of a Writ of Mandamus directing the respondents to restore the revenue records in favour of the petitioner and also to restore the possession of the property in Survey No.127/5 situate at Manakuppam Village, Tiruvonnainallur Taluk, Villupuram District by acting upon the communication of the fourth respondent dated 18.4.2023 addressed to the second respondent.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is as follows :



WP.No.29547 of 2024

(i) The petitioner is the absolute owner of the subject property.

Acquisition proceedings were initiated under the Tamil Nadu Acquisition of Lands for Adi Dravidar Welfare Schemes Act, 1978 (for brevity, the Act). The acquisition proceedings came to be challenged in W.P.Nos.9144 to 9149 of 2005 before this Court by the petitioner and others. All these writ petitions were allowed by a common order dated 27.8.2013, the relevant portions of which are extracted as hereunder :

"30. In the result, the Writ Petitions are allowed. The impugned Notification, issued under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) in Ref.No.M5/24922/2000 and published in the Villupuram District Gazette Extraordinary No.1 dated 13.01.2005, is set aside by this Court for the reasons assigned in these Writ Petitions. Since the impugned District Gazette Notification under Section 4(1) of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) is set aside, the Award Enquiry initiated or the Award passed subsequently would not cure the primordial defect in issuing the Notification under Section 4(1) of the Tamil Nadu Act 31 of 1978 and therefore, the resultant Award Enquiry Proceedings dated 15.03.2005 and the subsequent passing of the Award dated 24.03.2005 are, as a logical corollary, quashed, insofar as the Writ Petitioners are concerned. However, it is open to the concerned



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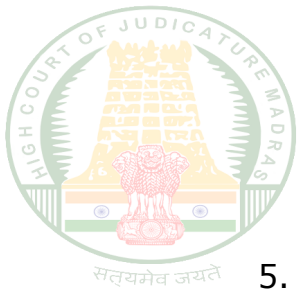


WP.No.29547 of 2024

authorities to proceed with the acquisition of land by taking fresh steps, if there is any need/necessity or if so required, by scrupulously following the ingredients of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) without any violation/deviation in the manner known to law and in accordance with law."

(ii) The said common order dated 27.8.2013 has become final as no appeal was filed challenging the same. The respondents also did not initiate any fresh acquisition proceedings under the Act. The grievance of the petitioner is that a representation was given for restoring the patta in the name of the petitioner. Further, on receipt of the same, the fourth respondent, through the communication dated 18.4.2023 addressed to the second respondent, had taken note of the said common order dated 27.8.2013 and has also recommended for the change of patta in favour of the petitioner. Even thereafter, no steps were taken to restore the revenue records in the name of the petitioner. It is under these circumstances the above writ petition came to be filed before this Court.

4. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.



WP.No.29547 of 2024

5. In the considered view of this Court, the acquisition proceedings initiated have been quashed by this Court in the writ petitions filed earlier. A counter has been filed by the respondents, in which, the following stand has been taken in paragraph 11 :

"11. Special Tahsildar (ADW) Villupuram sent a proposal to District Collector under Section 4(1) of Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) vide letter No.A/272/1999 dated 12.11.2024 to initiate the land acquisition process and the same will be done under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Tamil Nadu Act 31 of 1978) without any violation/deviation in the manner known to law and in accordance with law. Therefore, the revenue records cannot be restored in the name of the petitioners."

6. It is quite clear from the above that the said common order dated 27.8.2013 passed in the earlier writ petitions has not been challenged by filing an appeal and till date, there is only a proposal for the acquisition of lands under the provisions of the Act. Hence, the petitioner cannot be made to wait endlessly for restoring the revenue records in her name. This is in view of the fact that the said common order was passed in the earlier writ petitions on 27.8.2013 and almost,



WP.No.29547 of 2024

12 years have gone. This Court has also taken into consideration the communication dated 18.4.2023 sent by the fourth respondent to the second respondent wherein there is a recommendation for the change of patta in the names of the respective land owners.

7. In the light of the above discussions, there shall be a direction to the sixth respondent to deal with the representation made by the petitioner after taking note of the communication dated 18.4.2023 sent by the fourth respondent to the second respondent and necessary mutation of records shall be made. This exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that the direction issued in this writ petition will not stand in the way of the Authorities going ahead with the acquisition proceedings afresh since such a liberty was granted even when the earlier writ petitions were allowed by a learned Single Judge of this Court on 27.8.2013.

8. In the result, the writ petition is allowed with the above directions. No costs. Consequently, the connected WMP is closed.

04.2.2025

To



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WP.No.29547 of 2024

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WP.No.29547 of 2024&
WMP.No.32205 of 2024

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