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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-11-2025

CORAM

**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

**WA No. 403 of 2023
and
CMP Nos. 3799 & 3800 of 2023**

Shamimunnisa @ Shamima Banu
(Deceased)
1.K.Afroze Ahmed
2.K.Arshad Ahmed
3.K.Aarif Ahmed

Appellant(s)

Vs

1.State Of Tamil Nadu
Rep by its Secretary,
Adi-Dravidar Welfare Department,
Chennai 600 009.

2.The Special Tahsildar (A.D.W)
Gudiyatham,
Vellore District.

3.The District Collector
Vellore District.

Respondent(s)

PRAYER

Writ Appeal filed under Clause 15 of Letters Patent, to allow the Writ Appeal by setting aside the impugned judgment dated 17.08.2022 in WP.No.15201 of 2003.

For Appellant(s): Mr.S.L.Sudarsanam

For Respondent(s): Mrs.Akila Rajendran



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Government Advocate

J U D G M E N T

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

Under assail is the writ order dated 17.08.2022 in W.P.No.15201 of 2003. The writ petitioners are the appellants before this Court.

2. Relief sought for in the writ petition is to re-convey the lands acquired by the Government under the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 [hereinafter referred to as '1978 Act']. The Writ Court disposed of the writ petition, directing the appellants to approach the Special Tahsildar, Adi Dravidar Welfare, Gudiyatham, Vellore District, to canvas all the points that were raised in the writ petition and to directed the 2nd respondent to consider and pass appropriate orders. Not satisfied with the said direction issued by the Writ Court, the present Intra-Court Appeal came to be instituted.

3. The facts remain that subject lands were acquired under the provisions of the 1978 Act. 4(1) Notification in the District Gazette was issued on 26.07.2001. After following the procedures as contemplated under the Act and by affording opportunity to the erstwhile land owners, inquiry was conducted and an award was passed in the year 2003.



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4. The counter affidavit reveals that mother of the appellants sent objection on 24.03.2003. However, the landowners did not attend inquiry conducted on 26.03.2003. The competent authority passed an award in proceedings dated 26.03.2003 and fixed the compensation. The award amount of Rs.94,013/- kept in Revenue Deposit on 28.03.2003. Possession was taken by the authorities on 10.04.2003 and necessary changes were carried out in Village and Taluk accounts on 10.04.2003. Subsequently, the layout was approved and pattas were issued to 25 eligible Adi-Dravidars on 29.04.2003. Thus, prior to filing of the writ petition, entire acquisition proceedings were completed and lands acquired were distributed to 25 eligible Adi-Dravidars on 29.04.2003.

5. In view of the fact the land acquisition proceedings completed in the year 2003 itself, issuing a direction to consider the claim of the appellants would not arise at all. In the present case, compensation was deposited, possession had been taken, layout formed and the housing sites were allotted in favour of the Adi-Dravidara by issuing patta. That being the factum, even a direction issued by the Writ Court to the Special Tahsildar, Adi-Dravidar Welfare, Vellore District to consider the application would not arise at all.

6. Thus, the Writ Appeal is devoid of merits and stands dismissed. No



costs. Connected Miscellaneous Petitions are closed.

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(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

05-11-2025

Index:Yes/No

Speaking/Non-speaking order

Neutral Citation:Yes/No

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To

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