



W.P.(MD)No.17113 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : **02.04.2025**

Delivered on : **15.04.2025**

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.17113 of 2018

Rajaguru

... Petitioner

/Vs./

1. The Secretary,
Adhi Dravidar & Tribal Welfare,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Revenue Secretary,
Revenue Department,
Secretariat, Fort St. George,
Chennai – 600 009.
3. The Commissioner of Land Administration,
Ezhilagam, Chepauk,
Chennai – 600 005.
4. The District Collector,
Collectorate, Trichy Main Road,
Thanjavur – 613 010.



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5. The Special Tahsildar,
Adi Dravidar Welfare,
Old Collectorate, Court Road,
Thanjavur – 613 001.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the fourth respondent in his proceedings in Na.Ka.48719/2014/ma1 dated 22.12.2016 and quash the same as illegal, improper and consequently directing the respondents to take back the award amount, for reconvey the land to the petitioner in Survey No.209/1B2 and 209/2A2, the total extent of 2 Acres, situated at Nanjikottai Village, Thanjavur Taluk, Thanjavur District, which was acquired by the fifth respondent by way of Land Acquisition Act, 1984 for the Scheduled and Tribal Welfare Scheme.

For Petitioner : Mr.S.Deenadhayalan

For Respondents : Mrs.S.Jeyapriya
Government Advocate

ORDER

This writ petition has been filed challenging the order of the fourth respondent dated 22.12.2016 and to consequently seeking reconveyance of the land to the petitioner, offering to pay back the award amount.

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2. I have heard Mr.S.Deenadhayalan, learned counsel for the petitioner and Mrs.S.Jeyapriya, learned Government Advocate for the respondents. I have also gone through the records.

3. The learned counsel for the petitioner would contend that the petitioner's brother had purchased a land of a extent of 2 Acres as early as in the year 1984. According to the learned counsel for the petitioner, the land acquisition proceedings were initiated invoking the Central Act, viz., the Land Acquisition Act, 1894, was defective as the State had enacted Act 31/1978, viz., the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978.

4. The learned counsel for the petitioner would invite my attention to the decision of the Hon'ble Supreme Court in *State of Tamil Nadu V. Ananthi Ammal* reported in *AIR-1995-SC-2114* and contend that acquisition made under the Land Acquisition Act was liable to be quashed, in view of the judgment of the Hon'ble Supreme Court.



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5. According to the learned counsel for the petitioner, the petitioner has made a representation to the respondents on 02.11.2014, contending that the acquisition was not proper in view of the orders of the Hon'ble Supreme Court and he had expressed his willingness to get reconveyance of the land, after returning the award amount. As there was no reply to the said representation, the petitioner filed W.P.(MD)No.19609 of 2014 and this Court passed an order dated 15.04.2015, directing the respondent to consider the petitioner's representation on merits and in accordance with law, within a period of six weeks. Alleging wilful disobedience of the said order, the petitioner also moved contempt petition in Cont.P.(MD)No.1158 of 2016 and pending the contempt proceedings, the order impugned in the present writ petition came to be passed, stating that the lands have already been utilized and cannot be re-conveyed. The learned counsel for the petitioner attacking the said order would contend that the order is passed without any germane reasons and the fourth respondent failed to see that the acquisition was itself bad in the light of the judgment of the Supreme Court in *Ananthi Ammal's* case. The learned counsel would therefore submit that even applying Section



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24(2) of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, the award passed has to be held to have lapsed.

6. Per contra, the learned Government Advocate, would submit that the lands that have been acquired from the petitioner have been fully utilized and free house site patta to Adi Dravida people have been issued to as many as 82 eligible persons, who have all constructed houses and reside in the said property. She would therefore submit that there is no question of reconveyance to the petitioner, as sought for in the petitioner's representation.

7. The learned Government Advocate would also submit that insofar as the acquisition being made under the National Highways Act, having received compensation amount, it is not open to the petitioner, at this juncture, to contend that the very acquisition proceedings itself were defective. She would further submit that even after reference to the Sub Court under Section 18 of the Land Acquisition Act, compensation was increased and paid to the petitioner even in the year 1994. She would



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further contend that law is now settled that reconveyance under Section 48-B is not a matter of course or right and in any event, in view of the above subsequent development, the petitioner is not entitled to any relief. She would therefore pray for dismissal of the writ petition.

8. I have carefully considered the submissions advanced by the learned counsel on either side.

9. Even though the learned counsel for the petitioner may be justified in contending that the acquisition proceedings initiated under the Land Acquisition Act, 1894 were improper on account of the judgment of the Hon'ble Supreme Court in *Ananthi Ammal's* case, however, when the petitioner has received the compensation amount and even on reference to the civil Court, the enhanced award amount was also paid to the petitioner way back in the year 1994. Thereafter, the petitioner has slept over the matter until 2014, when he sent a representation claiming that the acquired lands were vacant and not being put to any use and therefore, he is willing to redeposit the compensation received and sought for reconveyance. Even at that point of time, the



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petitioner has not chosen to question the legality of the acquisition proceedings taken under the Central Enactment. Again, on 09.10.2017, the petitioner has sent a detailed representation to the respondents, referring to the provisions of the Act 30 of 2013. Even in the said representation, the petitioner has only reiterated his request for reconveyance and has not raised any issue with regard to the validity of the acquisition proceedings. In fact, in the said representation, he also admits the receipt of the enhanced compensation amount as well.

10. That being the position, the petitioner is clearly estopped from claiming that the acquisition proceedings taken under the Central enactment were bad and proceedings ought to have taken only under the State Enactment Act 31/1978. The petitioner having benefited under the Land Acquisition award and also subsequently became entitled to enhanced award amount before the Sub Court, which amount too was received by the petitioner, it is not open to the petitioner to thereafter challenge the acquisition proceedings. Even with regard to reconveyance it is not a matter of right for the petitioner to seek reconveyance, once lands are acquired from the petitioner. Further, it is also brought to my



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notice that the lands of the petitioner have already been utilized and several pattas have also been issued to eligible Adi Dravida people, who have constructed house and are residing there.

11. In view of the above, I find no merit in this writ petition. Hence, this Writ Petition is dismissed. There shall be no order as to costs.

Index : Yes / No
NCC : Yes / No
LS

15.04.2025

TO:-

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P.B. BALAJI, J.

LS

Pre-delivery Order made in
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Dated:
15.04.2025