



W.P.(MD)No.23556 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.02.2025

CORAM:

THE HONOURABLE MR JUSTICE P.B. BALAJI

W.P.(MD)No.23556 of 2024
and WMP(MD) Nos.19940 to 19942 of 2024

1. M.Subramanian
2. V.Ramasamy
3. K.Renugadevi
4. V.Chezhian
5. M.Elangovan
6. G.Anandhi
7. T.Shivakumar

... Petitioners

Vs

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.
2. The Special Tahsildar,
Adi Dravidar Welfare,
Ramanathapuram,
Ramanathapuram District.



W.P.(MD)No.23556 of 2024

3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.

4. The Village Administrative Officer,
T.Nagini Village,
T.Nagini, Thiruvadanai Taluk,
Ramanathapuram District.

5. The President,
Kunjankulam Village Panchayath,
Kunjankulam, Thiruvadanai Taluk,
Ramanathapuram District.

6. M.Marimuthu

7. M.Mahesh

8. M.Shankaralingam

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records pertaining to the impugned notification issued by the 1st respondent under Section 4(1) of the Tamil Nadu Acquisition of land for Harijan Welfare Schemes Act, 1978 in Na.Ka.No. G1/20249 dated -05-2024 and quash the same.

For Petitioners : Mr.N.Pragalathan

For Respondents : Mr.C.Satheesh(R1-R5)
Government Advocate

Mr.F.Deepak (R6-R8)



W.P.(MD)No.23556 of 2024

WEB COPY

ORDER

The writ petitioners have challenged the impugned notification issued by the 1st respondent under Section 4(1) of the Tamil Nadu Acquisition of land for Harijan Welfare Schemes Act, 1978.

2.I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.The grievance of the petitioners is that though show cause notice was issued by the 2nd respondent for acquiring lands belonging to the petitioners and enquiry was also held and the petitioners have appeared for enquiry and also gave objections, none of the objections have been even considered by the 1st respondent, while passing the impugned order.

4.It is the further case of the petitioners that there is no existence of Graveyard or Burial ground in S.No.444/16 and that the 2nd respondent, who was assigned task of enquiring into the matter did not



W.P.(MD)No.23556 of 2024

WEB COPY

even personally visit the property and the enquiry was not conducted in accordance with the principles of equity and fairness.

5.The learned counsel for the petitioners further submitted that though the 2nd respondent also proceeded to issue Form III under the Rules for compensation, the petitioners have not been paid any compensation.

6.The learned Government Advocate, referring to the averments made in the counter affidavit filed by the 2nd respondent states that proper enquiry was conducted by the 2nd respondent and there is no irregularity in the proceedings, warranting interference in the writ jurisdiction.

7.I have carefully considered the submissions made on either side and also gone through the impugned order. There is absolutely no material to substantiate that before passing the impugned order, there has been proper consideration of the objections raised by the petitioners. Though it is admitted that the petitioners appeared for enquiry and gave their



W.P.(MD)No.23556 of 2024

WEB COPY

objections, there is no material to show that how such objections were dealt with or rejected by the authority, before proceeding to pass orders. Therefore, there is clearly a violation of principles of natural justice warranting interference under Article 226 of Constitution of India.

8.For the above reasons, the impugned order of the 1st respondent is set aside and the matter is remitted to the 1st respondent to conduct fresh enquiry either by himself or through the 2nd respondent and hear the petitioners' objections by way of giving them an opportunity of personal hearing to produce all documents in support of non-existence of burial ground in the subject survey number, apart from putting further any other objections. After considering the said objection of the petitioners, the 1st respondent shall consider and pass orders in accordance with law and on merits within a period of twelve weeks from the date of receipt of copy of this order.



W.P.(MD)No.23556 of 2024

WEB COPY

9. Accordingly, this writ petition stands allowed. No costs.

Consequently, connected miscellaneous petitions are closed.

18.02.2025

Index : Yes / No
NCC : Yes / No
PNM

TO:-

1. The District Collector,
Ramanathapuram District,
Ramanathapuram.

2. The Special Tahsildar,
Adi Dravidar Welfare,
Ramanathapuram,
Ramanathapuram District.

3. The Tahsildar,
Thiruvadanai Taluk,
Thiruvadanai,
Ramanathapuram District.

4. The Village Administrative Officer,
T.Nagini Village,
T.Nagini, Thiruvadanai Taluk,
Ramanathapuram District.

5. The President,
Kunjankulam Village Panchayath,
Kunjankulam, Thiruvadanai Taluk,
Ramanathapuram District.



WEB COPY



W.P.(MD)No.23556 of 2024

P.B. BALAJI, J.

PNM

ORDER IN
W.P.(MD)No.23556 of 2024
and WMP(MD) Nos.19940 to 19942 of 2024

18.02.2025