



W.A.(MD)Nos.1383 and 1410 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 10.03.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

W.A.(MD)Nos.1383 and 1410 of 2022

W.A.(MD)No.1383 of 2022:-

A.Pushpakala,
Rep. by her Power of Attorney Agent,
R.Ajaya Maharajan.

... Appellant

Vs.

- 1.The Secretary to Government,
Backward Classes and Most Backward
Classes Welfare Department,
Fort. St.George, Chennai - 600 009.
- 2.The Commissioner,
Most Backward and Denotified Community,
Chepauk, Chennai - 600 005.
- 3.The Principal Secretary and the Commissioner
For Land Administration,
Office of Land Administration,
Chepauk, Chennai – 600 005.
- 4.The District Collector,
Tuticorin District,
Korampallam,
Tuticorin - 628 101.



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5.The Special Tahsildar,
Land Acquisition,
Adhi Dravidar Welfare,
Tuticorin- 628 101.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 06-09-2022 in W.P.(MD).No.4065 of 2013 on the file of this Court.

For Appellant : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.R.A.Ramachandran,
Addl. Government Pleader.

W.A.(MD)No.1410 of 2022:-

1.S.Vedhanayagam

2.S.Chellathurai Tagore

3.S.Daniel Vedhanayagam

4.A.Rathinam,
Rep. by their Power of Attorney Agent,
A.Mangalavel.

... Appellants

Vs.

1.The Secretary to Government,
Backward Classes and Most Backward
Classes Welfare Department,
Fort. St.George, Chennai - 600 009.

2.The Commissioner,
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Chepauk, Chennai - 600 005.



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3.The Principal Secretary and the Commissioner
For Land Administration,
Office of Land Administration,
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4.The District Collector,
Tuticorin District,
Korampallam,
Tuticorin - 628 101.

5.The Special Tahsildar,
Land Acquisition,
Adhi Dravidar Welfare,
Tuticorin- 628 101.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal and set aside the order dated 06-09-2022 in W.P.(MD).No.7168 of 2013 on the file of this Court.

For Appellants : Mr.G.Prabhu Rajadurai

For Respondents : Mr.S.R.A.Ramachandran,
Addl. Government Pleader.

COMMON JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.



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2. These writ appeals are directed against the order dated 06.09.2022 made in W.P.(MD)Nos.4065 and 7168 of 2013. The appellants' lands were acquired for issuing patta to houseless poor. The appellants sought reconveyance of the acquired lands under Section 48(B) of the Land Acquisition Act, 1894. The learned Single Judge vide order 06.09.2022 dismissed the writ petitions in the following terms:-

“18. A perusal of the judgment of the Hon’ble Supreme Court will clearly reveal that the Government has got powers to release the acquired land only till it continues to vest with the Government and it is not needed for the purpose, for which it was acquired or for any other public purpose. The Hon’ble Supreme Court has further held that if the acquired land has already been transferred to other agency, the Government cannot exercise power under Section 48-B of the Act and reconvey the same to the original owner. In the present case, admittedly the acquired lands have been transferred to the second respondent herein for grant of free housing patta. The present impugned order has been passed by the first respondent herein. A perusal of the impugned order further indicates that the first respondent has sought for a report from the second respondent and as per the said report, dated 09.11.2012, a direction has been issued for expediting grant of patta to the beneficiaries. Hence, it is clear that after expiry of 20 years, the petitioners have approached this Court seeking



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reconveyance and hence, the present writ petitions are not maintainable.”

3.It is well settled that the land owners do not have any vested right to seek reconveyance under Section 48(B) of the Act. A Writ of Mandamus can be issued only to enforce a legal right. When the matter lies entirely in the discretionary realm of the Government, writ cannot be issued. We therefore sustain the view taken by the learned Single Judge. The writ appeals are dismissed. No costs.

**(G.R.S. J.) & (M.J.R. J.)
10.03.2025**

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
ias

To:

- 1.The Secretary to Government,
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- 2.The Commissioner,
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