



W.P.(MD)No.27593 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.03.2025

CORAM

THE HONOURABLE MR.JUSTICE P.B.BALAJI

W.P.(MD)No.27593 of 2023

P.Selvam

... Petitioner

Vs.

- 1.The Commissioner of Land Administration,
O/o Commissionarate of Land Administration,
Ezhilagam, Chepauk,
Chennai-5.
- 2.The District Collector,
O/o Madurai District Collector,
Madurai.
- 3.The District Revenue Officer (DRO),
O/o District Revenue Officer,
Madurai.
- 4.The Revenue Divisional Officer (RDO),
O/o Revenue Divisional Officer,
Usilampatti.
- 5.The District Welfare Officer (SC & ST),
O/o District Welfare (SC & ST) Office,
Madurai District.
- 6.The Special Tahsildar (LA),
Office of Tahsildar,
Usilampatti Taluk,
Usilampatti.



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7.Indra

8.Nagarathinam

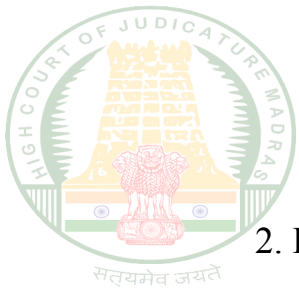
... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for records pertaining to impugned order of Pa.Mu.No.1142/2020/A3 dated on Nil.08.2023 passed by 4th respondent herein, quash the same as illegal and against the principle of justice, the public policy and law in the light of 4th respondent's earlier order Na.Ka. 1142/2020/A3, dated 31.10.2022 and consequently direct to the 1st and 2nd respondents to pass necessary order as per law to implement the scheme of providing free House Patta for SC/ST thereby fixing boundary to the petitioner's house plot No.31 situated at S.No.16/9A and C of Kuravakudi Village as per the law.

For Petitioner	: Mr.S.Muthumalairaja
For R1 – R6	: Mrs.K.Malathi Additional Government Pleader
For R7 & R8	: Mr.K.Muthuganesapandian

ORDER

The petitioner challenges the order of the 4th respondent in Pa.Mu.No. 1142/2020/A3 dated on Nil.08.2023.



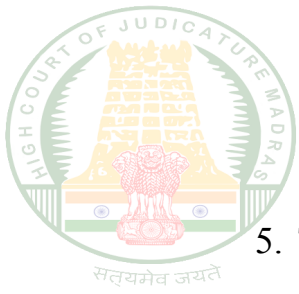
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2. Heard the learned counsel on either side.

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3. According to the learned counsel for the petitioner, the order impugned in the present writ petition has been passed in gross violation of principles of public policy and also without considering the Hon'ble Division Bench's directions in W.A(MD)No.947 of 2012.

4. The learned counsel for the petitioner would take me through the order impugned in the writ petition as well as the order of this Court in W.P(MD)No. 2069 of 2012 and subsequent judgment in W.A(MD)No.947 of 2012 to contend that throughout the rights of the depressed classes have been recognised and the Hon'ble Division Bench also directed that the persons who are eligible for assignment should be given lands, at least by way of alternate allotment in the event of lands not being acquired as originally sought for. The learned counsel for the petitioner would therefore submit that the order of the 4th respondent is totally against the letter and spirit of the judgement passed by this Court and he would seek for implementation of the laudable scheme for providing free house site patta for people from Scheduled Class and Scheduled Tribe communities.

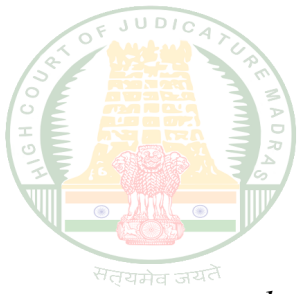


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5. The learned counsel appearing for the 7th and 8th respondents would however submit that the land acquisition proceedings initiated under Act 31 of 1978 was challenged by the respondents 7 and 8 even as early as in 1999 in W.P.No.2222 of 1999. This Court by an order, dated 06.02.2007 set aside the notification under Section 4(1) of Land Acquisition Act in so far as the petitioners were concerned. However, subsequently, when the petitioners therein sought for issuance of patta in their name, the said request was rejected by the revenue authorities. Challenging the same, the petitioners filed W.P(MD)No.2069 of 2012 before this Court. The said writ petition was dismissed on 28.08.2012 holding that the respondents would be at liberty to take acquisition proceedings in accordance with law considering the provisions of Tamil Nadu Act 31 of 1978 and also the award passed in Award No.15 of 1998, dated 17.02.1999. The respondents 7 and 8 herein challenged the order of the Writ Court in W.A(MD)No.947 of 2012 and the Hon'ble Division Bench of this Court by judgment, dated 29.01.2016 set aside the order of the Writ Court and passed the following order:

“10. Taking into account all the above, the Writ Appeal is disposed of to the following effect:

(i)The order of the learned Judge dated 28.08.2012 made in W.P(MD)No.2069 of 2012 is set aside.



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(ii) Within 8 weeks from the date of receipt of a copy of this order, it is open to the respondents to issue a fresh notification under the new Act. If they could not do so, the Revenue Authorities shall effect mutation in the revenue records in favour of the appellants thereafter.

(iii) The District Collector shall take into account the constitutional obligations on their part and if for any reason, he is not able to issue a fresh notification, he shall at least identify alternate lands and allot to the 68 families within the said period. No costs. Consequently, connected Miscellaneous Petitions are closed.”

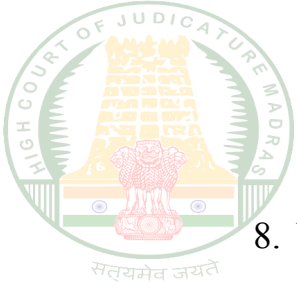
6. The learned counsel for the respondents 7 and 8 would submit that in furtherance to the judgment of the Hon'ble Division Bench, fresh acquisition proceedings have been initiated and notice under Section 4(1) of Tamil Nadu Act 31 of 1978 has also been issued in Na.Ka.No.1252/1998/A, dated 10.11.2023. It is also seen that the respondents 7 and 8 filed a contempt petition in Cont.P(MD)No.1879 of 2023, where the Hon'ble Division Bench of this Court closed the contempt petition recording the fact that the land acquisition proceedings have already been initiated under Section 4(1) of Tamil Nadu Act 31 of 1978 and the acquisition proceedings were directed to be expedited and steps be taken to allot lands to eligible Scheduled Caste community people. It was also directed that the respondents 7 and 8 respondents would be entitled for compensation in terms of the new Land Acquisition Act of 2013.



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7. The 4th respondent has considered all these aspects and rightly rejected the case of the petitioner. I do not find any illegality warranting interference, that too under Article 226 of Constitution of India when the impugned order has been passed after affording a fair opportunity to both parties and well considered order has been passed. If at all the petitioner has any grievance, it shall be open to the petitioner to espouse the cause of the members / persons belonging to Scheduled Caste and Scheduled Tribe to further take up the directions issued by the Hon'ble Division Bench as well as the order passed in Cont.P(MD)No.1879 of 2023 for allotment of lands to the eligible Scheduled Caste and Scheduled Tribe community people in accordance with law. It is open to the respondents to proceed with the land acquisition proceedings and determine compensation payable to the respondents 7 and 8 and the respondents shall also take effective and expeditious steps to allot lands to the depressed community people as directed way back by the Hon'ble Division Bench even in the year 2012.



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8. With the above directions, this Writ Petition stands disposed of. No

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NCC:yes/no

Index:yes/no

Internet:yes/no

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P.B.BALAJI, J.

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