



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12-03-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

WP No. 33861 of 2019

and

WMP Nos. 34382 of 2019 & 8024 of 2020

K.V.Muthusamy

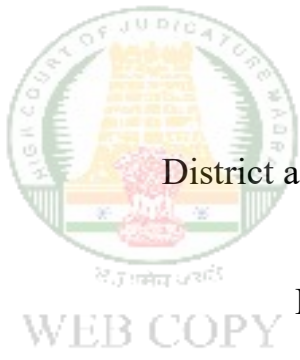
..Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
Adi Dravidar Welfare Department,
Fort St. George, Chennai – 600009.
2. The District Collector,
Erode District,
Erode.
3. The Revenue Divisional Officer,
Erode District,
Erode.
4. The Special Tahsildar,
Land Acquisition, Adi Dravidar Welfare
Department, Bhavani Taluk,
Erode District.

..Respondent(s)

Prayer: This writ petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration declaring the proceedings initiated by the 2nd respondents in Erode District Gazette Extraordinary No.7 dated 22.02.1996 and Adi Dravidar Welfare Department as lapsed in the light of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of lands comprised in R.S.No.46/1 and 46/2 of Koothampoondi Village, Bhavani Taluk, Erode



District admeasuring 1.54 Acres in favour of the petitioner.

For Petitioner(s) : Mr.V.P.Sengottuvel,
Senior Counsel
for Mr.A.Thiyagarajan

For Respondent(s) : Mr.T.K.Saravanan, AGP

ORDER

This writ petition is filed to declare the proceedings initiated by the 2nd respondents in Erode District Gazette Extraordinary No.7 dated 22.02.1996 and Adi Dravidar Welfare Department as lapsed in the light of Section 24 (2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 in respect of lands comprised in R.S.No.46/1 and 46/2 of Koothampoondi Village, Bhavani Taluk, Erode District admeasuring 1.54 Acres in favour of the petitioner.

2. Learned counsel for the petitioner would submit that the petitioner is the owner of the property comprised in R.S.No.46/1 and Rs.No.46/2 to an extent of 1.54 acres of land, situated at Koothampoondi Village, Bhavani Taluk, Erode District. This being so, the second respondent acquired the petitioner's property for the welfare of Adi Dravidar and Harijan families and passed an award dated 25.03.1996, without obtaining prior approval. Therefore, the petitioner has made a representation dated 06.05.1996 before the respondents and based on which, the third respondent conducted an enquiry and issued a



proceeding dated 14.07.1996 to drop the acquisition. Subsequently, the award amount was withdrawn from the petitioner's account. However, after a lapse of three years, once again the respondents made an attempt to acquire the said land. Hence, the petitioner had filed a writ petition in W.P.No.14125 of 1999 and this Court vide its order dated 20.12.1999 dismissed the same, against which writ appeal was preferred and that was also dismissed on the ground that the Collector has no power to drop the proceedings and such power vests with the Government alone. This being the case, neither the compensation nor the possession of the petitioner's land has been taken and the petitioner is in continuous possession and enjoyment of the said land. Hence, the petitioner has filed this writ petition to declare the proceedings initiated by the second respondent in Erode District Gazette Extraordinary No.7 dated 22.02.1996 and Adi Dravidar Welfare Department as lapsed in the light of Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, in respect of aforesaid land.

3. Learned Additional Government Pleader appearing for the respondents would submit that the petitioner's property has been acquired for the welfare of the Adi Dravidar and Harijan Families and the same was allotted to them. He would further submit that this Court in its finding in the aforesaid writ petition and writ appeal has clearly stated that the District Revenue Officer or the Collector has no power to reconsider or to release the property vested with the



Government. If at all they intend to release any land, subsequent to the issuance of 4 (1) notification, only the Government has to take a decision. Unless and otherwise the Government has taken a decision, it is not possible for any official to release the properties vest with the Government. Accordingly, he prays for appropriate orders.

4. Heard the learned counsel on either side and perused the materials available on record.

5. In the present case, the vital aspect has not been taken into consideration. Even the Revenue Divisional Officer has considered the petitioner's representation and passed a proceeding dated 14.07.1996 by dropping the acquisition proceeding, since the said land is used by the petitioner for agricultural purpose. When the land is very much available without any agricultural activities in and around the above village, even better than the petitioner's land, certainly, the Government is supposed to have considered the same and not the land which is utilised for agricultural purposes. Such being the case, considering the overall situation, this Court grants liberty to the petitioner make a representation before the respondents for releasing the said land, in which case, the Government is directed to pass an appropriate order on merits and in accordance with law, by considering the availability of the alternate land, so that no disturbance will be made to the agricultural land,



where the petitioner is carry out the agricultural activities.

6. It is made clear that in the event no better Government poramboke or other portion of land is available while making the acquisition, the respondents can take steps to acquire the agricultural land.

With the aforesaid direction, this writ petition stands disposed of. No costs. Consequently connected miscellaneous petitions are closed.

12-03-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VM

To:

1. The Secretary to Government,
Adi Dravidar Welfare Department,
Fort St. George, Chennai – 600009.
2. The District Collector,
Erode District, Erode.
3. The Revenue Divisional Officer,
Erode District, Erode.
4. The Special Tahsildar,
Land Acquisition, Adi Dravidar Welfare
Department, Bhavani Taluk,
Erode District.



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KRISHNAN RAMASAMY J.

VM

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