



WEB COPY

WP No. 39188 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-04-2026

CORAM

THE HON'BLE MR JUSTICE KRISHNAN RAMASAMY

**WP No. 39188 of 2024
and
WMP.No. 42440 & 42443 of 2024**

Anne Christopher
D/o.Dhanaraj, No.30, 2nd Street, Tatabad,
Sivanandha Colony, Coimbatore District.

..Petitioner(s)

Vs

1. The District Collector,
Coimbatore, Coimbatore District.
2. The Special Tahsildar
Adi Dravidar Welfare, Coimbatore.
3. The Thasildar,
Perur Taluk, Coimbatore District.

..Respondent(s)

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of writ of certiorarified mandamus, to call for the records relating to the Notification under Section 4 (2) of the Tamil Nadu acquisition of Land for Adi-Dravidar Welfare Schemes Act 1978 issued by the 2nd respondent dated 19.11.2024 in Na. Ka. No. 420/ 24/ A1 to an extent of 6.64 acres (2.69 Hectors) situated in S.No. 585/1, 584/1B in Thondamuthur Village, Coimbatore District and quash the same and forbearing the 2nd respondent for any manner interfering with the petitioner property to an extent of 6.64 acres (2.69 Hectors) situated in S.N.o.585/1, 584/1B in Thondamuthur Village, Coimbatore District in accordance with the proceedings of the 1st respondent dated 08.01.2021.



WEB COPY



For Petitioner(s):

Mr.Muthuchhrran Sundresh

For Respondent(s):

Mr.T.K.Saravanan

Additional Government Pleader

ORDER

This Writ Petition has been filed challenging the Section 4(2) notification dated 19.11.2024 issued by the 2nd respondent in respect of the petitioner's land to an extent of 6.64 acres situated in S.No.585/1, 584/1B in Thondamuthur Village, Coimbatore District for the purpose of Adi Dravidar Welfare under Section 4(2) of the Tamil Nadu Acquisition of Land for Adi-Dravidar Welfare Schemes Act, 1978.

2. The learned counsel appearing for the petitioner would submit that the petitioner's land was subject to the acquisition for the purpose of Adi-Dravidar Welfare Scheme, 1978 for which, 4(1) notification was issued on 10.10.2000. He would submit that the petitioner purchased the subject land on 02.03.2000 and 09.03.2000 and immediately after purchase of the subject land, the acquisition proceeding was initiated and the same was challenged before this Court and this Court, by virtue of the order dated 09.02.2010 made in W.P.No.18295 of 2000, quashed the acquisition proceedings and remanded the matter back for re-consideration to pass orders after giving opportunity to the petitioner. Accordingly, enquiry was conducted, the 1st respondent / Collector



vide report dated 08.01.2021 communicated the Commissioner, Adi-Dravidar Welfare to return back the land to the petitioner stating that the said land is not required for the purpose of Adi-Dravidar Welfare scheme as there are already about 86 plots are encroached and 20 excess plots are also available for the said scheme. Subsequently, another report was also filed by the Collector on 24.07.2023 reiterating the said aspect once again. The learned counsel for the petitioner would submit that under these circumstances, the impugned notice was issued on 19.11.2024 without assigning any reasons by the 2nd respondent. He would further submit that in terms of provisions of Section 4, only the District Collector has to specify about the requirement of the land and thereafter only either the District Collector, directly or through his authorized Officers can initiate the acquisition proceedings.

3. In the present case, on 08.01.2021 and 24.07.2023, the District Collector arrived at a categorical conclusion that no more land is required, since already about 86 plots are encroached and the same is required to be removed and apart from that 20 vacant lands are also available, all put together 106 plots are available for the purpose of acquisition for the Adi-Dravidar Welfare scheme. Without taking into consideration of the Collector's reports, the impugned notice was issued by the 2nd respondent directly countering to the provisions of Section 4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978. Therefore, he would submit that when the land is



not at all required for the purpose of Harijan Welfare since in the initial acquisition dated 30.03.1996, about 106 plots are available still for the landless poor. After taking into consideration all these aspects, the 1st respondent Collector arrived at a conclusion and forwarded a report to the Commissioner Adi-Dravidar Welfare. Without taking into consideration of these reports and in violation of the provisions of Section 4, the Commissioner, Adi-Dravidar Welfare directed the 2nd respondent to acquire the subject land. Therefore, the present writ petition is filed.

4. Per contra, the learned Additional Government Pleader appearing for the respondents would submit that based on the letter given by the Director, Adi-Dravidar Welfare to the District Collector dated 24.01.2024, the present acquisition was made.

5. In reply, the learned counsel appearing for the petitioner would submit that the Collector had categorically stated in his two reports dated 08.01.2021 and 24.07.2023 that the subject land is not at all required for the purpose of the said welfare scheme but, without considering the said aspect and also when the excess land was very much available, contrary to the object of the provision under the Act, the impugned notification was made therefore, the same is liable to be quashed.



6. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the material available on record.

7. The petitioner purchased the subject properties by virtue of the sale deeds dated 02.03.2000 and 09.03.2000 thereafter, the respondent initiated acquisition proceedings and 4(1) notice was issued on 10.10.2000. The said notice was challenged before this Court and this Court vide its order dated 09.02.2010, quashed the same and remanded the matter back for the purpose of re-consideration. Subsequently, after the enquiry, the proceedings were dropped and Collector also filed reports on 08.01.2021 and 24.07.2023. On two occasions, the 1st respondent / Collector categorically stated that there are 86 plots are encroached, that apart, 20 vacant plots are also available and yet to be allotted i.e., totally 106 plots are available for the purpose of Harijan Welfare scheme and thus no need for any fresh acquisition of land.

8. However, without taking into consideration of the Collector's report, the Commissioner, Adi-Dravidar Welfare issued notification for acquisition. Unless otherwise the Commissioner filed a report with regard to the extent necessity for the acquisition in terms of Section 4 of the Act, certainly, the Commissioner, Adi-Dravidar Welfare has no authority to issue direction to acquire the land for welfare scheme, when the subject land is not required for



the purpose of allotment and the excess lands are available. Under the guise of the welfare, completely ignoring the Collector's report and passing the order directing to acquire the land to an extent of 6.64 acres of agricultural land is not sustainable.

9. It would be apposite to extract Section 4 of the Tamil Nadu Acquisition of Land for Adi-Dravidar Welfare Schemes Act, 1978.

“4. Power to acquire land.

(1) Where the District Collector is satisfied that for the purpose of any Harijan Welfare Scheme, it is necessary to acquire any land, he may acquire the land by publishing in the District Gazette a notice to the effect that he has decided to acquire the land in pursuance of this section.

(2) Before publishing a notice under sub-section (1), the District Collector or any officer authorised by the District Collector in this behalf, shall call upon the owner or any other person, who, in the opinion of the District Collector or the officer so authorised may be interested in such land, to show cause why it should not be acquired.

(3) (a) The District Collector may, where he has himself called upon the owner or other person to show cause under sub-section (2), pass such orders as he may deem fit on the cause so shown;

(b) Where any officer authorised by the District Collector has called upon the owner or other person to show cause under sub-section (2), the officer so authorised shall make a report to the District Collector containing his recommendations on the cause so shown for the decision of



WEB COPY



the District Collector. After considering such report the District Collector may pass such orders as he may deem fit.”

From the above reading, it is clear that before initiation of acquisition of land, the acquiring Authority / the District Collector is supposed to satisfy the requirement prescribed under Section 4 of the Tamil Nadu Acquisition of Land for Adi-Dravidar Welfare Schemes Act, 1978. However, in the present case, the Collector has categorically held it in the reports dated 08.01.2021 and 24.07.2023 that no more land is required for the purpose of allotment of plots for the said welfare scheme since excess plots are already available. Instead of inspecting and adhering to the aforesaid two reports, the 2nd respondent has initiated the proceeding for the acquisition of land.

10. Therefore, this Court is of the considered view that the present acquisition is directly hit by the provision of Section 4 of the said Act and the same is liable to be quashed for non-compliance of the requirement of Section 4 of the Act. Accordingly, the acquisition proceedings initiated by the 2nd respondent vide its order dated 19.11.2024 is quashed. It is made clear that as long as the subject land is not required for the purpose of allotment to the welfare scheme and excess plots are available, certainly, either the respondents or the Commissioner, Adi-Dravidar Welfare has no authority to issue directions to acquire the subject land.



10. In fine, this Writ Petition is allowed, quashing the impugned order dated 19.11.2024. No costs. Consequently, connected miscellaneous petitions are closed.

27-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
KKN

To

1. The District Collector,
Coimbatore, Coimbatore District.
2. The Special Tahsildar
Adi Dravidar Welfare, Coimbatore.
3. The Thasildar,
Perur Taluk, Coimbatore District.



WEB COPY

WP No. 39188 of 2



KRISHNAN RAMASAMY, J.

KKN

WP No. 39188 of 2024

27-04-2026