

(2004) 01 MAD CK 0024
In the Madras High Court
Case No : Writ Petition No. 723 of 1997

Jameela Beevi

APPELLANT

Vs

State of Tamil Nadu

RESPONDENT

Date of Decision : 28-01-2004

Acts Referred:

Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 — Section 3, 4(1), 4(2)

Citation : (2004) 01 MAD CK 0024

Hon'ble Judges : P.D. Dinakaran, J

Bench : Single Bench

Advocate : J.R.K. Bhavanantham, for the Appellant; M.S. Palanisamy, Addl. Govt. Pleader, for the Respondent

Final Decision : Dismissed

Judgement

P.D. Dinakaran, J.—The petitioner seeks to quash the proceedings initiated by the respondents, viz., the notification issued u/s 4(1) of the

Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 (for brevity ""the Act"" in W1/34305/96, published in the South Arcot

Vellalar District Gazette No. 16 on 12.7.1996, to acquire an extent of 0.15.5. Hectares equivalent to 39 cents comprised in Survey No. 79/1B-6

and situated at Mathur Madura Veerareddykuppam, Virudhachalam Taluk for the purpose of providing free house sites to Adi Dravidar Christians

and Arunthathiyars.

2. It is not in dispute that the petitioner was served with a notice in Form-I as contemplated u/s 4(2) of the Act on 24.11.1995 and objections

were called for by the third respondent and forwarded to the Collector, who after his subjective satisfaction as to the proposed acquisition of land

for the purpose of providing free house sites to Adi Dravidar Christians and Arunthathiyars issued the impugned notification dated 12.7.1996.

3. Mr. J.R.K. Bhavanantham, learned counsel for the petitioner challenges the impugned acquisition proceedings on the following grounds:

(i) the acquisition of land for the purpose of providing free house sites to Adi Dravidar Christians and Arunthathiyars is not valid in law in view of

Clause 3 of Appendix-I of the Constitution (Scheduled Castes) Order, 1950, wherein it is provided that no person who professes a religion

different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of a Scheduled Caste, and since the impugned

acquisition proceedings are proposed for providing free house sites to Adi Dravidar Christians, who are excluded from the Scheduled Castes as

per of Clause 3 of Appendix-I of the Constitution (Scheduled Castes) Order, 1950 read with Section 3(f) of the Act, the impugned acquisition

proceedings are not permissible in law. In this regard, reliance was placed on an Order of this Court dated 12.3.2003 made in W.P. No. 677 of

1997, wherein the very same government Order was challenged.

(ii) the objection offered by the petitioner against the proposed acquisition was not properly considered by the respondents.

4. I am unable to appreciate both the contentions of the learned counsel for the petitioner.

5.1. It is true that Adi Dravidar Christians cannot be considered as Scheduled Castes in view of Clause 3 of Appendix-I of the Constitution

(Scheduled Castes) Order, 1950 read with Section 3(f) of the Act. However, the impugned acquisition proceedings were initiated not only for

providing free house sites for Adi Dravidar Christians, but also for Arunthathiyars, who are notified as Scheduled Castes. In that view of the

matter, since Clause 3 of Appendix-I of the Constitution (Scheduled Castes) Order, 1950 is not attracted, the impugned acquisition proceedings

cannot be quashed. Hence, I am unable to appreciate the argument of the learned counsel for the petitioner placing reliance on an Order of this

Court dated 12.3.2003 made in W.P. No. 677 of 1997.

5.2. With regard to the second contention of the learned counsel for the petitioner that the authority failed to consider the objections of the

petitioner offered to the notice in Form-I contemplated u/s 4(2) of the Act, it is

settled law that the subjective satisfaction of the Collector before passing the Order u/s 4(1) of the Act after considering the report of the authorised officer itself is sufficient to uphold the decision, as, under the scheme of the Act, no further enquiry is contemplated.

6. Under such circumstances, except to observe that the land acquired cannot be allotted to Adi Dravidar Christians, who profess a religion different from the Hindu, the Sikh or the Buddhist religion, no further Orders are required in this writ petition.

In the result, this writ petition fails and therefore, the same is dismissed. No costs.