

(2010) 07 MAD CK 0238

In the Madras High Court

Case No : Writ Petition No. 8906 of 2010 and M.P. No. 1 of 2010

K. Ramamurthy

APPELLANT

Vs

The District Collector, The District Adi-Dravidar and Tribal
Welfare Officer and The Special Tahsildar, Adi Dravidar
Welfare

RESPONDENT

Date of Decision : 28-07-2010

Acts Referred:

Citation : (2010) 07 MAD CK 0238

Hon'ble Judges : K.B.K. Vasuki, J

Bench : Single Bench

Advocate : K. Bhasker, for the Appellant; V. Viswanathan, Additional
Government Pleader for RR1 to 3, for the Respondent

Judgement

K.B.K. Vasuki, J.—On consent, this writ petition is taken up for final hearing.

2. The writ petition is filed for issuing appropriate direction to the third respondent to effect mutation in the revenue records in the name of the petitioner in respect of the land measuring an extent of 52.5 cents comprised in Survey No. 75/6A of Mettuchakarai Kuppam Village, Thirupathur Taluk, Vellore District, as per the order of the 3rd respondent dated 28.07.2008.

3. The facts which remain undisputed are that the land in question originally belonged to the petitioner's father and the land was sought to be acquired and assigned to Harijan Welfare Scheme during 1989. The same was challenged by his father in W.P. No. 5182 of 1989 and the writ petition was after due contest allowed by order dated 14.02.1990 and the acquisition proceedings was dropped in respect of the land in question. Aggrieved against the same, the acquisition officer preferred W.A. No. 1491 of 1991. The Hon'ble Division Bench of this Court has by order dated 06.01.1992 confirmed the order of the Single Judge. In the meantime, the petitioner's father died and O.S. No. 88 of 1995 was filed for partition of the family properties and the petitioner was allotted the land in question in the compromise entered into between the family members. Whiles,

the third respondent has addressed one communication to the first respondent seeking clarification in the matter of compliance of the order of Hon''ble Division Bench confirming the order of learned Single Judge of this Court for cancelling the housing patta issued in the name of the landless poor in respect of the property in question and for receiving back the compensation already paid to the land owner. In the meantime, the petitioner has also made a representation to the second respondent, for deleting the land from the acquisition proceedings and for transferring the revenue records in respect of the same in the name of the petitioner herein. The second respondent has in his proceedings dated 28.07.2008 duly instructed the third respondent to redeliver the land and to effect suitable changes in the revenue records in the name of the petitioner in respect of the land with further direction issued to the petitioner to refund the sum of Rs. 3,450/- received as compensation for the lands acquired.

4. Even thereafter, there was no response from the third respondent in this regard, which compelled the petitioner to make further representation to the second respondent on 08.02.2010. The second respondent has again directed the third respondent to take appropriate action upon the representation made by the petitioner in this regard, however, the inaction on the part of the third respondent in complying with the instructions of the second respondent compelled the petitioner to approach this Court for the relief as stated supra.

5. Heard the rival submissions made on both sides.

6. It is not in dispute that the land in question measuring an extent of 52.5 cents in Survey No. 75/6A Mettuchakarai Kuppam Village, Thirupathur Taluk, Vellore District, was originally acquired and thereafter, the acquisition proceedings was set aside by the Single Judge of this Court as confirmed by the order of the Division Bench of this Court as early as in 1991. The 3rd respondent has initially taken some efforts to comply with the order of the High Court for deleting the land in question in the acquisition proceedings and for effecting consequential changes in the revenue records and he has also sought for some clarification in this regard from the second respondent. The second respondent has also more than once issued appropriate direction to the third respondent, as to the manner in which, the possession of the land is to be redelivered to the owner and the mutation of the records to be effected in the name of the owner subject to condition the owner refunds the compensation amount received by him. But the third respondent has not carried out the instructions. As a result though the acquisition proceedings are quashed as early as on 1991, the petitioner is not till date able to enjoy the fruits of the order made by this Court.

7. That being the factual position, it would be appropriate to direct the third respondent to comply with the instructions given by the second respondent in his proceedings dated 28.07.2008 in Na.Ka.A1, 1142/79 and 10.02.2010 in Na.Ka.K10/56699/09 by effecting necessary changes in the revenue records in the name of the petitioner in respect of the land in question. The petitioner is also directed to refund the compensation amount within 2 weeks from the date

of receipt of copy of this order and the third respondent is directed to comply with the order as made by this Court within four weeks, thereafter.

8. With this observation, the writ petition is disposed of. The connected miscellaneous petition is closed. No costs.