

(2000) 12 MAD CK 0061
In the Madras High Court
Case No : W.A. No. 600 of 1997

Mathuraivelan Pillai

APPELLANT

Vs

The District Collector Dindigul Mannar Thirumalai District,
Dindigul and another

RESPONDENT

Date of Decision : 19-12-2000

Acts Referred:

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

Citation : (2001) 1 LW 713 : (2001) 1 MLJ 645

Hon'ble Judges : V.S. Sirpurkar, J;M. Chockalingam, J

Bench : Division Bench

Advocate : Mr. P. Srinivas, for the Appellant; Mr. M. Rathinam Additional Government Pleader, for the Respondent

Judgement

V.S. Sirpurkar, J.—The writ appeal is against the dismissal of the writ petition by the learned single judge by which the petitioner had

challenged the proceedings of acquisition under Section.4 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act (Act XXXI of

1978). The learned single Judge has held that all the necessary steps as required by law were taken before the acquisition and, therefore, the

acquisition was in order.

2. The learned counsel Mr. Srinivas, however, raises a naval point. He contends that in this case, notice u/s 4(2) was given by the Special

Tahsildar but, there is no evidence to suggest that the Collector was satisfied in the beginning in respect of the land which was to be acquired and

had recorded his satisfaction somewhere. According to the learned counsel unless the process of the acquisition is initiated by the Collector, who is

the exclusive authority to do so, the further exercise taken by the Special

Tahsildar on his authorisation is clearly incorrect. We do not agree with the contention for the reasons following.

3. Thus satisfaction, which is spoken of in sub-section (1) of Section 4 is the final satisfaction by the Collector which he is supposed to record by publication of the notice in the District Gazette. That is the only requirement of Section 4(1) of the Act. The whole section, either sub-section (1) or sub-section (2) or sub-section (3), does not anywhere require any initial initiation by the Collector of the land acquisition proceedings. Therefore, the Collector is not required to record somewhere that he is satisfied in respect of a particular land or, in his opinion, the said land would be required to be acquired for the purposes of this Act. In this case, in their counter, the State Government has clearly pointed out the powers were delegated by the Collector in favour of the Special Tahsildar, who issued the notice under sub-section (2), which is a sine qua non for the further proceedings by the collector u/s 4(1). In view of that clear position, it will not be necessary for the Collector to initiate the proceedings in the sense that the learned counsel wants to urge. We are completely satisfied that the Collector had authorised the concerned Special Tahsildar to issue a notice under sub-section (2) and that after the consideration of the report made by the Special Tahsildar had come to the conclusion that the land was required to be acquired for the purposes of the Act and for that purpose the Collector had proceeded to publish the notice in the District Gazette. We do not see any reason to interfere with the judgment of the learned Judge. The appeal is without any merit. It is dismissed. No costs.