

(2012) 02 MAD CK 0093

In the Madras High Court

Case No : Writ Petition No. 23463 of 2011

S. Prabhakar and D. Vijayakumar

APPELLANT

Vs

The State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 13-02-2012

Acts Referred:

Constitution of India, 1950 — Article 19(1), 46

Land Acquisition Act, 1894 — Section 2, 4(1), 5A, 6

Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 — Section 20

Citation : (2012) 2 CTC 41

Hon'ble Judges : V. Dhanapalan, J

Bench : Single Bench

Advocate : R. Munuswamy, for the Appellant; M. Dig Vijaya Pandian for R1-R3 and R13 Additional Government Pleader, for the Respondent

Judgement

Honourable Mr. Justice V. Dhanapalan

1. This writ petition is filed for a direction to the 1 st respondent to consider the representation of the petitioners dated 29.08.2011 to re-convey

their land situated at Sankarapuram Village, Ambur Municipal Town, Vaniyambadi Taluk, Vellore District, comprised in T.S.No.5/10C, Ward E,

Block No.3, measuring an extent of 21 cents (i.e.) 0.922 sq. metres and decide the matter in accordance with law. Facts of the case as put forth in

the affidavit would run thus:

(a) Petitioners 1 and 2 are joint owners of the property, being vacant site situated at Sanankuppam Village, Ambur Municipal Town, Vaniyambadi

Taluk, Vellore District, comprised in T.S.No.5/10C, Ward-E, Block No.3, measuring an extent of 21 cents i.e. 0.922 sq. metres, having

purchased the same jointly for valid consideration from one C. Deenadayalu under a Deed of Sale, dated 23.08.1990, which was registered as

Doc.No.2035/1990 before the Sub-Registrar Office, Ambur. Since then, they are in absolute joint possession and enjoyment of the said property.

(b) While so, respondents 1 to 3 initiated land acquisition proceedings under the Land Acquisition Act, 1894 by issuing notification u/s 4(1) in

G.O. Ms. No.(3D), Adi-Dravidar and Tribal Welfare Department, dated 02.04.1993 and published in the Tamil Nadu Government Gazette,

dated 28.04.1993 in Supplement to Section 2 and Part-II thereof and consequential declaration u/s 6 in G.O. Ms. No.(3D) Adi-Dravidar and

Tribal Welfare Department, dated 20.04.1994 acquiring lands for the development of Adi-Dravidar and Tribal Welfare housing and in the said

proceedings several lands were sought to be acquired including the lands of the petitioners.

(c) Since the Government had already enacted a special Act that the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978

(Act No. XXXI of 1978) for acquisition of lands for the Harijan Welfare, the said land acquisition proceedings initiated by the respondents 1 to 3

as illegal and contrary to the provisions of the Special provisions of Land Acquisition Act, 1894 to acquire lands for Harijan Welfare. Therefore,

the petitioners filed a writ petition in W.P.No.15901 of 1994 for certiorari by rightly challenging the aforesaid acquisition proceedings as contrary

to law and ultra vires and sought to quash the same. On 08.09.1994, when the writ petition came up for admission, an order of interim stay of all

further proceedings for the said land acquisition proceedings was granted. Ultimately, by an order dated 23.04.2001, the said writ petition was

allowed and the aforesaid land acquisition proceedings of respondents 1 to 3 was quashed. However, liberty was given to respondents 1 to 3 to

proceed with the acquisition afresh.

(d) After allowing of the said writ petition and quashing the land acquisition proceedings and having the order of this court, the petitioners made

several representations to the respondents from the year 2001 onwards till date. In spite of repeated representations to the respondents to

ascertain the status with a request to re-convey the lands to the petitioner, respondents 1 to 3 did not take any action to initiate fresh proceedings

to acquire lands for the said purpose or to re-convey their lands to them.

(e) In the meantime, when the aforesaid writ petition was pending and the

interim stay order was in force, respondents 1 to 3 seem to have issued patta in respect of the petitioners' lands to respondents 4 to 12. Except the 10th respondent, rest of the respondents/beneficiaries have been keeping their respective site as vacant. But, the 10th respondent has put up a small hut in the said land.

(f) Upon repeated representations and also after obtaining report from the appropriate officials concerned, the 2nd respondent sent a detailed communication dated 02.09.2010 to the Commissioner, Adi-Dravidar Welfare Department, Chennai seeking permission to re-convey the land to them. But, thereafter, there was no development from the part of the respondents 1 to 3 and the petitioners were left in lurch.

(g) While so, upon coming to know about the action initiated by the respondents 1 to 3 to re-convey the land to them, during the 1st week of July

2011, respondents 4 to 12 at the instigation of some unlawful elements suddenly started attempting to put up a structure in the land. Immediately,

the petitioners gave a representation dated 11.07.2011 to the Deputy Superintendent of Police, Ambur. Thereafter, the petitioners gave a

representation dated 26.08.2011 to the respondents 2 and 3 and also others requesting them to prevent the respondents 4 to 12 from putting up

any structure and also developments in the lands. Upon their representation, the Revenue Officials intervened in the illegal acts of the respondents 4

to 12 and stopped their acts temporarily.

(h) According to the petitioners, they did not receive the amount fixed by the 3rd respondent and the compensation amount is still lying with the 3

rd respondent. Therefore, since the aforesaid land acquisition proceedings are quashed by this court and the respondents 1 to 3 have also not

initiated fresh proceedings, the petitioners' right over the said land got restored and they are entitled to re-conveyance of their land. Unfortunately,

as on date, respondents 1 to 3 have not taken any action upon their representation either by considering their request to re-convey the land or

rejecting the same on any convincing reason, but they are keeping them in dark without any action till date, which is highly unjustifiable and

untenable.

(i) The petitioners made their last representation on 29.08.2011 to the respondents 1 and 2 for re-conveying their land to them. But, even after

receiving the same, respondents 1 and 2 have not taken any action till date for reasons best known to them. In fact, upon their personal approach, they were informed by the 2nd respondent that they have already sent a proposal to the 1st respondent for re-conveying the land to them, but they have not received any reply and they are waiting for the opinion and consent of the 1st respondent. Therefore, left with no other alternative and efficacious remedy, the petitioners are before this court.

2. In the counter affidavit filed by the 1st respondent, it is stated as follows :

(a) Under the provisions of the Land Acquisition Act, 1894 (Central Act No.1 of 1894) hereinafter referred to as the said Act, the land measuring

an extent of 2.69.0 hectares comprised in Sanankuppam Village, Vaniyambadi Taluk, Ambur Town in Vellore District was acquired for the benefit

of Adi Dravidars residing at Sanankuppam Village. Section 4(1) of the notification for acquisition of land was approved in G.O.(3D) No.281, Adi

Dravidar and Tribal Welfare Department, dated 02.04.1993 and published in the Tamil Nadu Government Gazette, dated 28.04.1993 in

supplement to Section 2 and Page II thereof. Enquiry u/s 5-A of the said Act was held on 15.07.1993. Consequently, Draft Declaration u/s 6 of

the said Act was approved in G.O.(3D) No.318, Adi Dravidar and Tribal Welfare Department, dated 20.04.1994 and finally the Award

No.1/94-95, dated 25.05.1994 was passed by the Land Acquisition Officer and Special Tahsildar (Adi Dravidar Welfare), Tiruppathur, declaring

the lands including the lands of the petitioners herein, measuring about 21 cents in T.S.No.5/10C Ward No.E, Block No.3 situated in

Sanankuppam Village, Vaniyambadi Taluk, Vellore District and others are required for public purpose.

(b) After passing of the Award, one of the petitioners herein, namely, S.Prabhakar filed W.P.No.15901 of 1994 before this court with a prayer to

quash the entire proceedings of land acquisition. This court, in its order dated 08.09.1994 in W.P.M.P.No.24020 of 1994 in W.P.No.15901 of

1994 ordered that the dispossession alone of the petitioner of the land in question measuring an extent of 21 cents in T.S.No.5/10C Ward No.E-

Block No.3, situated in Sanankuppam Village, Vaniyambadi Taluk, North Arcot Ambedkar District, now Vellore District, pursuant to the Land

Acquisition Proceedings comprised in Section 4(1) notification in G.O.(3D)

No.281, Adi Dravidar and Tribal Welfare Department, dated 02.04.1993 and published in the Tamil Nadu Government Gazette, dated 28.04.1993 in supplement to Section 2, page 11 thereof and consequential Declaration u/s 6 of the Land Acquisition Act, 1894 in G.O.(3D) No.318, Adi Dravidar and Tribal Welfare Department, dated 20.04.1994.

(c) During the pendency of the writ petition, changes had been carried over in the revenue records classifying the land as "Adi Dravidar

Kudiyiruppu" Government poramboke and pattas were issued to the beneficiaries based on the award passed on 25.05.1994. On final hearing of

W.P.No.15901 of 1991, the counsel for the petitioner on misconception of the fact had argued that no award has been passed on or before

22.11.1994. In view of the enactment of Act 31 of 1978, respondents have no power whatsoever to acquire the land under the said Act.

(d) According to the 1 st respondent, the case on hand is already covered by a decision of the Supreme Court reported in State of Tamil Nadu

and Others Vs. Ananthi Ammal and Others, wherein it is held that if an award has been passed on or before 22.11.1994, acquisition proceedings

are liable to be quashed in view of the enactment of Act 31 of 1978. This court, after relying upon the argument put forth by the counsel for the

petitioner, quashed the entire land acquisition proceedings and thereby allowed the writ petition on 23.04.2001. However, liberty was granted to

the respondents to proceed the matter afresh if they so desire. Since no fresh action has been taken to initiate acquisition proceedings as per the

order of this court dated 23.04.2001, the petitioners herein made a representation dated 08.08.2003 requesting the District Collector, Vellore to

re-transfer the land in their names. Instead of proceeding the matter afresh under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes

Act, 1978 for acquisition of the land, the District officials inspected the spot and sent a report stating that one beneficiary, the 10 th respondent i.e.

Tmt. Kasthuri alone has constructed a house having the roof by asbestos sheet on Plot No.13 and living in that house and no others have

constructed house, even though nine pattas were issued keeping the land in question as vacant. Based on the inspection report, the 2 nd

respondent i.e. the District Collector, Vellore has sent proposals to the

Commissioner, Adi Dravidar Welfare for consideration of the petitioner's request for re-conveyance. The Commissioner, Adi Dravidar Welfare, in turn recommended the proposal for consideration of the Government. As the action of the 2 nd respondent i.e. District Collector is contrary to the order of this court, the Government has not passed any order on the proposal, however remarks of the Principal Secretary and Commissioner of Land Administration has been called for and it is awaited. At this stage, the petitioners herein filed the present writ petition with a prayer to consider their representation dated 29.08.2011 to re-convey the land.

(e) The 1st respondent would further submit that there is a bar u/s 20 of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978 (Act No.31 of 1978) to invoke the provision of the Land Acquisition Act, to acquire the lands for Adi Dravidar and Tribal Welfare, which came into force on 22.11.1994. But in the case on hand, Award No.1/94-95 was passed on 25.05.1994 for the acquired land under the Central Act, i.e. nearly six months prior to the implementation of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978. However, the Land Acquisition Officer has erred in not following the order of this court dated 23.04.2001 which quashed the entire acquisition proceedings and has given liberty to proceed the matter afresh.

(f) It is the further submission of the 1 st respondent that the petitioners herein have not made any representation to the 1 st respondent i.e. the Secretary to Government, Adi Dravidar and Tribal Welfare Department. However, they have made several representations to the 2 nd and 5 th respondents herein and based on their representations only, the 2 nd respondent i.e. the District Collector, Vellore forwarded the proposals dated 02.09.2010 for consideration for re-conveyance of the land to the petitioners instead of rejecting their request and go ahead with fresh proceedings as directed by this court dated 23.04.2001.

(g) It is also stated that in the case on hand, Award was passed on 25.05.1994 vide Award No.1/94-95 under the provisions of the said Act for Land Acquisition. The Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 came into force only on 22.11.1994. Therefore, in this case, award was passed prior to six months of Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act, 1978 came into effect. In

Ananthi Ammal's case referred to supra, it is held that if no award is passed on or before 22.11.1994, acquisition proceedings are liable to be quashed in view of the enactment of the Act, 31 of 1978. However, this court had quashed the land acquisition proceedings and liberty has been granted to the respondents to proceed with the matter afresh, if they so desire. On the contrary, the 2nd respondent i.e. the District Collector, Vellore has forwarded the proposal for reconveyance. The action of the 2nd respondent may be regretted and if this court permits, the 3rd respondent, i.e. the Land Acquisition Officer and Special Tahsildar (Adi Dravidar Welfare) Tirupattur will be instructed to acquire the land in question as per the provisions of the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978. The Government of Tamil Nadu has an aim to uplift the downtrodden Adi Dravidar people and therefore, a number of schemes are being implemented for their development on par with others. As far as this case is concerned, the Government's intention is not to re-convey the land to the owner, but to provide house site to the poor Adi-Dravidar people.

3. Mr. R. Munuswamy, learned counsel for the petitioner would submit that the petitioners' representation in respect of their grievance to re-convey their land is bound to be considered by respondents 1 to 3 in accordance with law and when it is not done, it is mandatory on the part of the respondents 1 to 3 to consider the same.

4. On the other hand, Mr. M. Dig Vijaya Pandian, learned Additional Government Pleader submits that the representation of the petitioners to re-convey their land goes against the very object of acquisition of land for public purpose, particularly for the poor beneficiaries, in favour of whom the above said land was sought to be acquired. Therefore, it is his submission that respondents 1 to 3 may be directed to proceed with the acquisition as per the direction given by this court and hence, the request of the petitioners to consider their representation cannot be accepted. To substantiate his stand, he has relied on a decision of the Supreme Court reported in Delhi Development Authority Vs. Bhola Nath Sharma (Dead) by L.Rs. and Others, wherein, it is held as follows:

45. Since the matter is 32 years old, we direct the Reference Court to decide the matter as early as possible but latest within 9 months from the

date of receipt of the copy of this judgment. We further direct that if the amount of enhanced compensation determined by the Reference Court

vide judgments dated 27.07.1980 and 14.05.1994 has already been paid to the respondents or their predecessors, then they shall not be required

to refund the same.

5. I have given thoughtful consideration to the submissions made by the learned counsel on either side and perused the records.

6. Admittedly, the petitioners are owners of the land measuring an extent of 21 cents situated at Sanankuppam Village, Ambur Municipal Town,

Vaniyambadi Taluk, Vellore District comprised in T.S.No.5/10C, Ward E, Block No.3, by virtue of the Sale Deed dated 23.08.1990, which was

registered as Doc.No.2035/1990. In order to implement the Government Scheme to give free house sites to the poor Adi Dravidars, the

Government initiated land acquisition proceedings under the Land Acquisition Act, 1894 by issuing a notification u/s 4(1) in G.O.Ms.No.3(D),

Adi-Dravidar and Tribal Welfare Department, dated 02.04.1993 and published in the Tamil Nadu Government Gazette, dated 28.04.1993 in

Supplement to Section 2 and Part-II thereof and consequential declaration u/s 6 in G.O. Ms. No.(3D), Adi-Dravidar and Tribal Welfare

Department, dated 20.04.1994. Besides the land of the petitioners, the respondents have sought to acquire others' lands also. It is seen that as

early as 1978 itself, the Government has brought down a legislation by a Special Act, called the "Tamil Nadu Acquisition of Land for Harijan

Welfare Schemes Act, 1978 (Act No. XXXI of 1978)". However, it appears that the respondents have proceeded to acquire the land under the

Land Acquisition Act, 1894, viz., "Central Act for the Harijan Welfare Scheme". Therefore, the petitioners filed a writ petition in W.P.No.15901

of 1994 challenging the acquisition proceedings as contrary to law and ultravires and sought to quash the same. The said writ petition was taken up

for admission on 08.09.1994 and an order of interim stay of all further proceedings was granted by this court by an order dated 23.04.2001. The

said writ petition was allowed by this court with liberty to the respondents to proceed further. The said order reads thus :

2. The petitioner and his friend by name Vijayakumar are the owners of the lands measuring about 21 cents in T.S.No.5/10C-Ward No."E" Block

No.3, situated in Sanankuppam Village, Vaniyambadi Taluk, North Arcot Ambedkar District. Their lands are sought to be acquired for the land

acquisition proceedings for the poor Adi Dravidar and Tribals. Notification u/s 4(1) of the Land Acquisition Act was issued in G.O.Ms.No.281

(3D) Adi Dravidar and Tribal Welfare Department dated 02.04.1993 for providing house-sites to the homeless Adi Dravidar of Sanankuppam

Village. Enquiry u/s 5(A) of the Act was held on 05.07.1993. Section 6 declaration was issued on 20.10.1994 declaring the lands belonging to the

petitioner and others are required for public purpose.

3. At this stage, the petitioner approached this court and obtained interim stay of dispossession. Learned counsel for the petitioner has argued that

no award has been passed on or before 22.11.1994. In view of the enactment of Act 31 of 1978, the respondents have no power whatsoever to

acquire the land under the Central Land Acquisition Act. This matter is already covered by a decision of the Apex Court reported in State of Tamil

Nadu vs. Ananthi Ammal (1995 SC 1114), wherein it is held that if no award has been passed on or before 22.11.1994, acquisition proceedings

are liable to be quashed in view of the enactment of the Act 31 of 1978.

4. In view of the above, the land acquisition proceedings are quashed. The writ petition is allowed. However, liberty is granted to the respondents

to proceed the matter afresh, if they so desire. Consequently, connected WMP is closed. No costs.

7. From the above order, it is clear that the acquisition proceedings was quashed for the reasons that when the State Act was available to the

respondents, instead of invoking the provision under the Act to acquire the land, the respondents have invoked the Central Act, namely, the Land

Acquisition Act. Therefore, the Acquisition Proceedings was quashed. However, liberty is granted to the respondents to proceed with the matter

afresh, if they so desire.

8. The said order, though clearly indicates that the respondents are given liberty to proceed afresh, when the acquisition is intended for a public

purpose particularly for providing shelter to poor people under the said scheme, it is for the respondents to proceed further. However, the

respondents have not initiated any fresh proceedings under the Special Act. On the contrary, they have kept the matter pending without any

initiation by giving an opportunity to the petitioners/land owners to create a vested right, thereby demanding the respondents to re-convey the lands

on the basis of the demand made by the petitioners to the District Collector, who is also a public authority, in his proceedings in

Na.Ka.K10/50203/2008, dated 02.09.2010 written to the Commissioner of Adi Dravidar Welfare Department, Chennai-9, with reference to

various correspondences viz., letters of the District Collector, Vellore dated 04.10.2003, 04.12.2003, 15.10.2008, 04.07.2009, 20.03.2010 and

30.03.2010; letters of Adi-Dravidar Welfare Department, Vellore District to the District Collector, dated 13.11.2003, 29.05.2005, nil.02.2010,

03.07.2010; opinion of the Government Pleader, High Court of Madras, dated 22.07.2009 including the order of this court made in

W.P.No.15901 of 2004, respectively, recommending to the Commissioner to take a decision and pass an order to the effect to take back the

award amount and to re-convey the land to the land owners. By the time, the District Adi Dravidar Welfare Officer, who is also another public

authority has inspected the place and submitted an Inspection Report of the land, informing the concerned authorities that the land is not utilized for

the purpose and as per the order of the High Court, the request of the petitioners for re-conveyance of their lands has to be considered and further

action may be taken in this regard. Thereafter, the petitioners have requested the police authority namely, the Deputy Superintendent of Police,

Ambur vide letter dated 11.07.2011 to provide police protection to their lands from any kind of encroachment in it and further on 26.08.2011,

they also wrote a letter to the Special Tahsildar, Adi Dravidar and Tribal Welfare Department about the occupation of their lands by some of the

beneficiaries who have constructed houses in it. At last, the petitioners addressed a letter dated 29.08.2011 to the Secretary to Government, the 1

st respondent herein and the District Collector, the 2 nd respondent herein with a request to reconvey the lands to them to them, as no action is

taken on the part of the respondents. As the petitioners' request has not been considered, they are before this court.

9. Normally, the court, in a circumstance when a direction for disposal of the representation has been sought, shall be inclined to pass appropriate

direction to the respondents to consider the said representation. The prayer in this writ petition is of two parts. One is, for a direction to the first

respondent to consider the petitioners' representation dated 29.08.2011 and the other part is while considering the said representation, the

respondents have to reconvey the lands to the petitioners to an extent of 21 cents. When such a demand is made to direct the respondents to

consider their representation in respect of reconveyance of the land, it is the duty of the court to see whether such a mandamus can be granted in a

matter of this nature and whether the land is acquired for a public purpose and such acquisition proceedings was challenged before this court and

this court, while quashing the order for the purpose of invoking the relevant provision of the Act, gave liberty to the respondents to proceed afresh.

10. A perusal of the records would reveal that the respondents in no occasion have taken any steps to initiate fresh proceedings under the said

Act, namely, Act 31 of 1978. For that reasons only, this court is inclined to quash the earlier proceedings giving liberty to the respondents. It is the

fundamental right of every citizen to have shelter. Constitution of India has enshrined certain rights guaranteed under Article 19(1)(e) to have a

residence. Therefore, the said Act has been enacted, in order to achieve the directive principles of the State Policy under Article 46 of the

Constitution of India to provide shelter to the poor Adi-Dravidar people, who are languishing for it. Accordingly, the State has envisaged the

Scheme to acquire the lands for that purpose by spending amount from the State Exchequer by way of compensation. It is true that the authorities

have not invoked proper provisions when they enacted a particular Act for that purpose. Therefore, this court, after taking into account the

decision rendered in Ananthi Ammal's case and the crucial date fixed by the Honourable Apex Court as 22.11.1994, by the time when the said

Act was available, it is not proper for the respondents to invoke the provision under the Central Act, namely, the Land Acquisition Act.

11. If that is the policy of the State, namely, the Government of Tamil Nadu to proceed with the acquisition, if this court has given liberty, it is

incumbent on the public authority to proceed further. But, curiously, on a perusal of all the proceedings, it is seen that the respondents

misconstrued the order of this court and the ratio laid down in it are not properly understood by them to proceed with the matter afresh, when it is

for a public purpose. The State authorities cannot act against the public purpose and keep the matter pending for years together.

12. Strangely, the District Collector has recommended to the Commissioner of Adi-Dravidar Welfare Department for reconveyance of the land by

taking back the award amount. If such a course is undertaken by them, it is definitely against the constitutional guidelines and the very object of the

Scheme. Therefore, this court, after analysing every aspect of the matter and on giving due consideration to the issue in question is not inclined to

accept the demand made by the petitioners to direct the first respondent to consider their representation for reconveyance. Therefore, the

mandamus sought for by the petitioners in the given peculiar facts and circumstances of the case cannot be granted and accordingly, the

petitioners' prayer for a direction to the first respondent to consider their representation dated 29.08.2011 to re-convey their land situated at

Sanankuppam Village, Ambur Municipal Town, Vaniyambadi Taluk, Vellore District, comprised in T.S.No.5/10C, Ward E, Block No.3,

measuring an extent of 21 cents (i.e.) 0.922 sq. metres to them cannot be granted and is rejected.

13. In fine, the Writ Petition deserves no merit consideration and the same is dismissed. No costs. Consequently, the connected M.P.No.2 of

2011 is also dismissed.

14. Before parting with the case, this court is of the considered view that since the enactment of the State Act, viz., Act 31 of 1978, time and

again, most of the schemes envisaged by the Government are to acquire the lands for the purpose of any Harijan Welfare Scheme. Therefore,

while acquiring any land, if such a course is adopted by the competent authority without following the due procedure of law, the land owners

concerned can challenge the said proceedings before this court. Though, as per the Constitutional mandate, it was declared that the Act is for

giving effect to the Policy of the State towards securing the principles laid down in Part IV and in particular Article 46 of the Constitution of India,

with a view to promote educational and economic interest of the Scheduled Caste and Scheduled Tribe and other weaker sections, the State shall

have the power to promote the educational and economic interest of the weaker sections of the people, in particular, the interest of Scheduled

Caste and Scheduled Tribe people, thereby protecting them from social injustice and all forms of exploitations. Such a Constitutional guideline

enshrined is not visualised by the competent forums.

15. The point to be noted is that many of the Schemes of this nature are not taken up due to the pendency of various court proceedings. Even in

the case on hand, it appears that though this court has given liberty to the respondents to proceed afresh, the Government Pleader, High Court of

Madras, on 22.07.2009 has given his opinion recommending the Government to take a decision and pass an order to the effect that the award

amount may be taken back and the lands may be reconveyed to the land owners, as the public authorities viz, the District Collector, the District

Adi-Dravidar Welfare Officer and the Commissioner of Adi-Dravidar Welfare Department also have not given any consideration to the orders of

this court. They ought to have proceeded to acquire the lands for public purpose, but, they are attempting to reconvey the land. Such an act of the

public authorities is against the order of this court, defeating the very purpose of the Scheme envisaged under Act 31 of 1978, which is against the

State Policy in promoting the economic interest of the weaker sections of the people, particularly, the Scheduled Caste and Scheduled Tribe.

16. Act 31 of 1978 has been aimed to achieve the constitutional goal for which all public authorities in the State of Tamil Nadu are duty bound to

follow the proper method with a vision and mission to carry out promotional activities in the economic interest of the weaker section. But, if such

public authority is against the spirit of the Constitutional goal and the State policy in promoting the said interest to which the Act is aimed to and

such legislations are contemplated for a procedure to go for the acquisition of the land for free house sites to the poor people, it is not for that

public authorities to act contrary to the constitutional goal and the scheme of the Act.

17. The State authorities and all stakeholders in this regard have not given any much value to the scheme of the Act. It gives a clear impression to

this court while dealing with such matters that the authorities of the State have not shown any interest in implementing the scheme. In addition, the

pendency of several litigations is the failure on the part of the State authorities in taking appropriate steps and the manner in which the public

authorities have shown their interest are not appreciable and therefore, if there is a continuous failure of the scheme and the public authorities are

not in a spirit to implement the scheme, then it is meaningless to have such a scheme without implementation by the State. Therefore, this court is of

the opinion that the State shall endeavour to see that some special attention is given by appointing a Special Government Pleader for this purpose

and the nodal Officers with legal experience with an intention to achieve the constitutional goal and the State Policy.

18. To have a special attention to this case and to see that there must be an early disposal of this case involving the Act 31 of 1978, it is for the

State to take appropriate measures either to have this Act in the present position or to have a further legislation in an effective manner, in order to

achieve the constitutional guideline and the State policy. The above conclusion and observations of this court may be sent to the Government by

forwarding a copy of the judgment to (i) the Chief Secretary to Government, Government of Tamil Nadu, Fort St. George, Chennai-9 (ii) the

Secretary to Government, Adi-Dravidar and Tribal Welfare Department, Fort St. George, Chennai-9 and (iii) the Secretary to Government, Law

Department, Fort St. George, Chennai-9 for appropriate action and implementation of the Act.