

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 31.08.2017
CORAM :
THE HONOURABLE MR. JUSTICE.S.VAIDYANATHAN

W.P.No.34513 of 2003

A.Sagundala Ammal

.. Petitioner

Vs.

1. The Special Tahsildar (L.A.),
(A.D.W.) Walajapet,
Vellore District.

2. The District Collector,
Vellore District,
Sathuvachari,
Vellore - 632 001.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari calling for the records of the 1st respondent culminated in Notification RCA No.1291/2002, dated 24.09.2002 and consequently issued Notification in RA No.A 1291/02 vide RC No.K.11/57964/2002, dated 22.10.2003 under Section 4(2) of the Tamil Nadu Land Acquisition for Harijan Welfare Scheme Act, 1978 and quash the same.

For Petitioner : Mr.V.Vibhishanan
For Respondents : Mr.Akhil Akbar Ali,
Government Advocate

O R D E R

The petitioner has come up with this Writ Petition seeking to quash the Notification vide RCA No.1291/2002, dated 24.09.2002 issued by the 1st respondent and the consequent Notification vide RC No.K.11/57964/2002, dated 22.10.2003 issued under Section 4(2) of the Tamil Nadu Land Acquisition for Harijan Welfare Scheme Act, 1978.

2. According to the petitioner, she is the joint owner of 3 acres of land situated in T.S.No.4/3, Ward No.4, Block No.1, Arakonam Village and she is using the said land for agricultural purposes. The grievance of the petitioner is that the 1st respondent had issued a Notification under the Land Acquisition Act seeking to acquire her agricultural lands for the purpose of using it as a burial ground for Arunthathiyar Community. It is her case that no Notification pertaining to the land acquisition was served on her and she could not trace any Notification made in local newspapers. Hence, she has come up with the present Writ Petition.

3. Heard the learned counsel on either side and perused the material documents available on record.

4. Today, when the matter is taken up for hearing, learned Government Advocate produced the counter affidavit filed on behalf of the 1st respondent. For better appreciation of the case, relevant portion of the counter affidavit is extracted hereunder:

"9. It is submitted that the writ petitioner's daughters and son namely, Chandra, Jayanthi and Baskar, sold an extent of 2,380 sq. metres (56 cents) including a portion of acquired land in T.S.No.4/3A to Vimala Thirumalai for Rs.13,70,000/- vide Sale Deed No.8306/2007, dated 31.10.2007.

10. It is submitted that the writ petitioner's son Baskar sold an extent of 1297 (13,964 sq. ft.) Square Metres including a portion of acquired land in T.S.No.4/8 to Thirumalai in Sale Deed No.625/10, dated 29.01.2010 for Rs.18,000/-.

11. It is submitted that the writ petitioner Sagundala Ammal sold an extent of 1341 (14,445 sq. ft.) Square Metres including a portion of acquired land in T.S.No.4/5B to Thirumalai for Rs.29,38,930/- in Sale Deed No.1279/10, dated 18.02.2010.

12. It is submitted that the entire 20 cents of acquired land sold in T.S.Nos.4/3A, 4/8, 4/5B, owned by the writ petitioner Sagundala Ammal and her two daughters and son as stated above was sold to Vimala and Thirumalai in between 2007 and 2010.

13. It is submitted that the purchasers of the said lands constructed school buildings on the land and S.M.S.Vimal Higher Secondary School is functioning for the past many years.

14. It is submitted that the remaining land in T.S.No.4/3 has been converted into layout by the awardees and sold as house site plots."

5. Thus, in view of the subsequent development in this matter, more particularly, when the land in question has been

sold by the petitioner, no further adjudication is required in this matter. Hence, this Writ Petition is dismissed. However, it is open to the respondents to chose any other alternative site for the purpose of Burial Ground without affecting the residents therein and polluting the surrounding area. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To:

1. The Special Tahsildar (L.A.),
(A.D.W.) Walajapet,
Vellore District.
2. The District Collector,
Vellore District,
Sathuvachari,
Vellore - 632 001.

+1 cc to M/s.P.V.Balasubramanian Advocate sr 63064
+1 cc to the Government Pleader sr 63549

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