

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM:

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE K.K.SASIDHARAN

Writ Appeal Nos.870 and 981 of 2011
and
M.P.Nos.1 and 1 of 2011

1. V.Radha Bai
2. R.Prema
3. V.Rajasekar
4. V.Rajasundaram .. Appellants in both W.As./Petitioner

vs.

1. The Secretary to Government
(Revenue Department)
Government of Pudhucherry
Pudhucherry.
2. The Collector
Puducherry District
Puducherry.
3. The Deputy Collector (Rev.) - South
and Land Acquisition Officer
Villianur
Pondicherry. .. Respondents in both W.As./Respondents

These appeals are filed under Clause-15 of Letters Patent Appeal against the orders dismissing the Writ Petitions in W.P.Nos.9243 of 2008 and 9244 of 2008 dated 18.03.2011.

WP Nos.9243 & 9244 of 2008 : Writ petitions filed under Article 226 of the constitution of India, for the insuance of Writ of certiorari calling for the records pertaining to the land acquisition proceeding particularly the proceeding of the 3rd respondent issued in 585 /DCRS/LA/N/03 & 595/DCRS/LA/N/03 respectively dated 18.03.2008 and quash the same.

For Appellants : Mr. D.Ravichander
For respondents : Mrs.N.Mala
Additional Government Pleader
(Pondicherry)

COMMON JUDGMENT

(Judgment of the Court was made by K.K.SASIDHARAN, J.)

The appellants without challenging the land acquisition proceedings challenged the possession notices issued by the Land Acquisition Officer. The learned single Judge having found that the acquisition had become final, dismissed the Writ Petitions. Feeling aggrieved, the unsuccessful Writ Petitioners are before this Court.

2. Heard the learned counsel for the appellants and the learned Additional Government Pleader on behalf of the respondents.

3. The Government of Pondicherry pursuant to the request from the Directorate of Survey and Land Reforms initiated land acquisition proceedings to acquire an extent of 0.94.00 Hectares in R.S.No.94/2 Koodappakkam Revenue Village in the State of Pondicherry, for giving free house sites to the landless labourers. Section 4(1) notification was issued on 22.03.2005. The respondents, pursuant to the enquiry notice under Section 5 (a) of the Land Acquisition Act appeared before the Land Acquisition Officer. The appellants have not filed objection to the proposal for land acquisition. Thereafter, declaration under Section 6 of the land acquisition was issued. Section 6 declaration was made on 17.10.2005. The Land Acquisition Officer conducted award enquiry and finally award was passed on 03.04.2007. The Land Acquisition Officer issued notices to the appellants on 18.03.2008 informing them that possession of the acquired land would be taken on 17.04.2008. The possession notices were challenged by the appellants before the Writ Court in W.P.No.9243 of 2008 and 9244 of 2008.

4. Before the Writ Court, the appellants contended that the award was not passed within the statutory period of two years. They have also taken up a contention that the Land Acquisition Officer failed to intimate the land owners, the factum of passing the award.

5. The learned single Judge rightly dismissed the Writ Petitions on the ground that the land acquisition has become

final and what was challenged was only the possession notices.

6. The dates and events furnished by the Land Acquisition Officer clearly shows that the award was passed within two years from the last mode of publication of declaration under Section 6 of the Land Acquisition Act. The last mode of publication of declaration was on 01.11.2005. The award was passed on 03.04.2007. Therefore, it is clear that the award was within the statutory period of two years as contemplated under Section 11(a) of the Land Acquisition Act.

7. The appellants have not challenged the land acquisition proceedings at any point of time. It was only to set aside the possession notices, they have taken up a contention that the award was not passed within the statutory period. The possession of the land was taken over by the Land Acquisition Officer on 17.04.2008. The counter affidavit filed by the Land Acquisition Officer before the Writ Court and the material documents produced to substantiate the contention proved that the award was passed within the time prescribed by law. We therefore do not find any error or illegality in the order passed by the learned single Judge.

8. The learned counsel for the appellants contended that the Land Acquisition Officer failed to serve a copy of the award on the appellants and thereby denied them of a chance to file an application under Section 18 of the Land Acquisition Act. We direct the Land Acquisition Officer to verify the records and in case it is made out that the award copy has not been given to the appellants, necessarily a certified copy should be given to them so as to enable them to file an application within the statutory period from the date of receipt of the copies of award to make a reference under Section 18 of the Land Acquisition Act before the appropriate Court.

9. We dismiss the intra-Court Appeals with the above observation. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

mra

To

1. The Secretary to Government
(Revenue Department)
Government of Pudhucherry
Pudhucherry.
2. The Collector
Puducherry District
Puducherry.
3. The Deputy Collector (Rev.) - South
and Land Acquisition Officer
Villianur
Pondicherry.

2 ccs to Government Pleader Cum Public Prosecutor
for Pondicherry, sr.58589, 58590

2 ccs to M/s. D.Ravichander, Advocate, sr.58491 & 58492

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ug co
kra 30.12.2015



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