

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.06.2016

CORAM

THE HONOURABLE Mr. JUSTICE N.KIRUBAKARAN

W.P.No.17411 of 2016 and
WMP.No.14882 of 2016

N.Rajamani

... Petitioner

v.

1.The Collector,
Villanur District, Puducherry.

2.The Sub Collector (Revenue) cum
Land Acquisition Officer,
Villanur District, Puducherry.

3.The Executive Engineer,
National Highways Department,
Public Works Department,
Puducherry.

4.The Government of Puducherry,
Puducherry.

.... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of certiorari, calling for the records of the 2nd respondent in No.616/DCRS/LA/U/2004/B1 in Award No.5/2009 dated 16.11.2009 and quash the same.

For Petitioner : Ms.S.Radha Gopalan

For Respondents : Mr.A.Tamilvanan
Government Advocate (P)

O R D E R

The fourth respondent viz., Government of Puducherry proposed to form a new link road south of Puducherry - Villupuram railway line, bye-passing Arumparthapuram, with a view to ease traffic. The total length of the bye-pass road is 4.45 kilometers, with the width of 22 meters. The proposed bye-pass road starts from Natesan Nagar at the junction of NH-45A and joins the Villupuram National Highways. The extent of land acquired for formation of the bye-pass road is 10.41.03 hectares, which includes lands from four Revenue villages,

namely, Odiampet, Reddiarpalayam, Kurumbapet and Olandai. The Government of Puducherry invoked the urgency provision under Section 17 of the Land Acquisition Act, by proceedings dated 26.02.2004, based on which, approval was granted and requisition was made for acquiring the lands. Based on the requisition, notification under Section 4(1) of the Land Acquisition Act was issued on 27.12.2005 and publication was made on 30.09.2006. Declaration under Section 6(1) of the Land Acquisition Act was issued vide notification dated 17.07.2006 and the last publication was made on 01.12.2006. The Award was passed in respect of the petitioner's property viz., R.S.No.71/8 of Puducherry Registration District, Odiampet Revenue Village, of an extent of 1 Acre 63 cents on 16.11.2009. The said Award is being challenged before this Court by this writ petition.

2. Heard Ms.Radha Gopalan, learned counsel for the petitioner and Mr.A.Tamilvanan, learned Government Advocate (Puducherry) appearing for the respondents.

3. It is brought to the notice of this Court that the Award passed in respect of other land owners, whose properties were acquired for the very same purpose, was dismissed by this Court, by order dated 28.01.2006 made in W.P.Nos.36568 36713, 38428 of 2015 and 18187 of 2016, on the ground of laches.

4. Since as early as on 28.01.2006, this Court has already negatived the prayer sought by the land owners similarly placed as that of the petitioner, on the ground of latches, this writ petition is also liable to be dismissed on the same ground. While dismissing the petition, this Court took into consideration the date of passing of the Award, i.e. 16.11.2009 and the petitioner approaching this Court only during June 2016. Moreover, acquisition is for formation of a bye-pass road. Therefore, public interest is also involved. It is well settled that public interest overrides private interest.

In view of the above, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(VI-)

//True Copy//

Sub Assistant Registrar

To

1.The Collector,
Villanur District, Puducherry.

2.The Sub Collector (Revenue) cum
Land Acquisition Officer,
Villianur District, Puducherry.

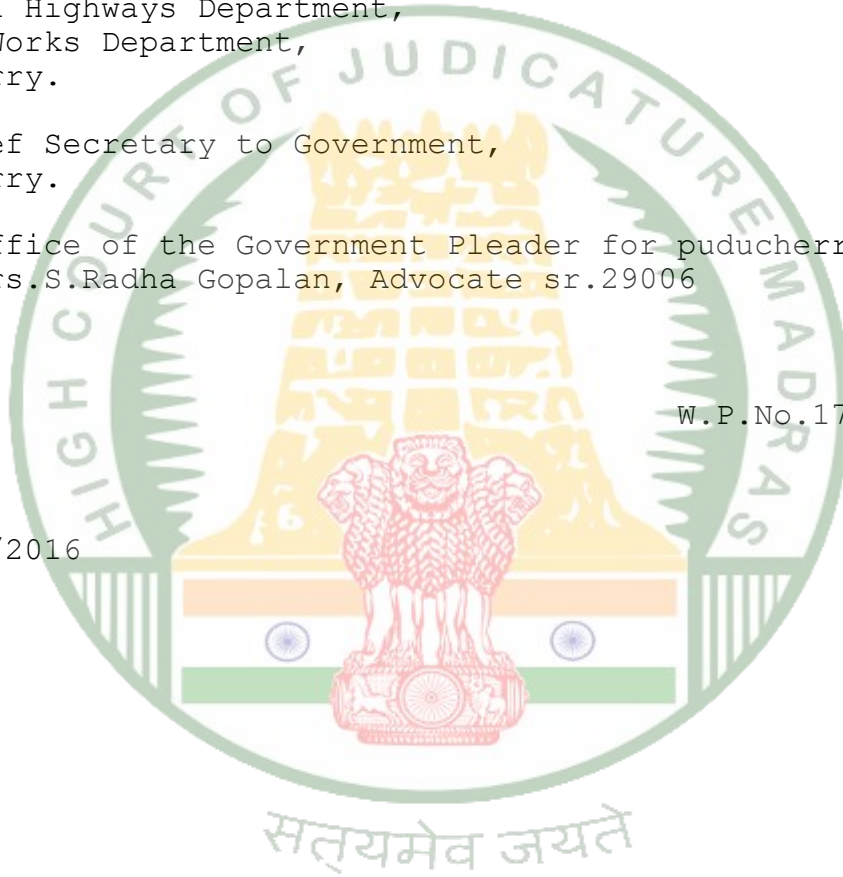
3.The Executive Engineer,
National Highways Department,
Public Works Department,
Puducherry.

4.The Chief Secretary to Government,
Puducherry.

+1cc to Office of the Government Pleader for puducherry Sr.29289
+1cc to Mrs.S.Radha Gopalan, Advocate sr.29006

W.P.No.17411 of 2016

nr[col
srg 16/06/2016



WEB COPY