

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

W.P.No.26021 of 2015

N.B.Ranganadhan

.. Petitioner

Vs.

1. The Deputy Collector (Revenue)
South cum Land Acquisition Officer,
(Land Acquisition)
Government of Pondicherry,
Pondicherry.
 2. The Special Tahsildar,
(Land Acquisition)
Villinur Revenue Village,
Puducherry.
- .. Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the entire records pertaining to No.407/LA/DCRS/2014 dated 13.03.2015 passed by the 1st respondent and quash the same, thereby directing the respondents to pay the compensation in favour of the petitioner and refer the award No.7A/1990 dated 09.04.1990 under Section 18 of the Land Acquisition Act, 1894 to the competent Civil Court in a time bound period and for other reliefs.

For Petitioner : Mr.K. Mohanamurali
For Respondents : Mr. A.Tamilvanan
Government Advocate

ORDER

Heard Mr.K.Mohanamurali, learned counsel appearing for the petitioner and Mr.A. Tamilvanan, learned Government Advocate, appearing for the respondents 1 and 2 and by the consent of both parties, the Writ Petition is taken up for final disposal.

2. The petitioner has filed this Writ Petition challenging the order passed by the 1st respondent dated 13.3.2015. By the said order, the 1st respondent has stated that the compensation amount awarded in the name of Duraisamy has to be deposited in the City Civil Court under Section 31(2) of the Land Acquisition Act with a reference under Section 30 of the

Act, for deciding the rightful ownership and apportionment of the amount awarded.

3. The total extent which was purchased by the petitioner, by a registered sale deed, in Document No.617 of 1985 is 35,532 sq ft. The petitioner has admitted in his letter dated 17.3.2015 that he has sold an extent of 35,011 sq.ft. , and the remaining area is 521 sq.ft.

4. Under normal circumstances, there would not have been any difficulty to decide the position whether the said extent of land formed part of the extent herein acquired. As per the Award dated 9.4.1990, an extent of only 4304 sq.ft. has been acquired in R.S.No.171/5 part of Villianur Revenue Village. That apart, it has been pointed out that the lands have been sold as unapproved lay outs and there are several purchasers, there is no proper demarcation, no subdivisions have been done and the existing extent of each holding could not be determined.

5. Further in the Award dated 9.4.1990, the name of the claimant is mentioned as Thiru.Duraisamy, son of Thirukkamu and the petitioner's name does not find place in the Award. The petitioner would state that he purchased the land from Duraisamy some time during 1985 long after the land acquisition proceedings were initiated. Therefore, the petitioner has to first establish that he has stepped into the shoes of the original land owner and entitled for compensation for the acquired lands.

6. Secondly, the petitioner has to prove that the land measuring 521 sq.ft. is situate within the land in the extent of land which has been acquired namely 4304 sq.ft. Unless the petitioner establishes this, he cannot claim for payment of compensation. Therefore the respondent authority rightly deposited the compensation amount before the Civil Court and directed the petitioner to approach the Civil Court for apportionment.

7. Further confusion in the matter is on account of the conduct of the petitioner in selling the lands as unapproved plots without demarcation and without subdivision. This is one more reason for the petitioner to approach the Civil Court and place the documents and establish his case.

8. For all the above reasons, the petitioner has not made out any case to interfere with the impugned order. Accordingly, the Writ Petition fails and the same is dismissed leaving it open to the petitioner to approach the Civil Court and establish his claim in terms of Section 30 of the Land Acquisition Act. No Costs.

9. The 2nd respondent is directed to supply copies of the proceedings No.407/LA/DCRS/2014 dated 31.03.2015 along with a photostat copy of the deposit challan No.15/DCRS/LA/2015-16 dated 5.5.2015 and the copy of the letter No.407/2014/DCRS dated 13.5.2015 to the petitioner within a period of two weeks from the date of receipt of a copy of this order to enable the petitioner to work out his rights before the Civil Court in the pending proceedings.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

msr

To

1. The Deputy Collector (Revenue)
South cum Land Acquisition Officer,
(Land Acquisition)
Government of Pondicherry,
Pondicherry.
2. The Special Tahsildar,
(Land Acquisition)
Villinur Revenue Village,
Puducherry.

+1cc to Mr.K. Mohanamurali, Advocate, S.R.No.15076
+1cc to the Government Pleader, S.R.No.15241

AK(CO)
EU(04/04/2016)

सत्यमेव जयते

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