

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 03.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.P.No.4086 of 2016  
and  
WMP Nos.3418 and 3419 of 2016

A.Gunasekaran

... Petitioner

Versus

1. Union of India  
Rep. by The Chief Secretary to Government  
Chief Secretariat Puducherry.
  2. The Secretary to Government  
(Revenue) Revenue Department Puducherry.
  3. The District Collector of  
Puducherry District Collector Office  
Revenue Complex Saram Pondicherry-605013.
  4. The Managing Director  
M/s. Pondicherry Industrial Promotion  
Development Industries Corporation  
Puducherry-605001.
  5. The Deputy Collector  
(Revenue)-South-cum Land Acquisition Officer  
(Special Economic Zone) Villianur  
Puducherry-605110.
- ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, calling for the concerned records relating to the order No.584/DCRS/LAO-SEZ/2015 dated 24.04.2015 passed by the 5th respondent and quash the same and consequently directing the respondents to delete the lands belonging to the petitioner family at Karasur Village R.S.No.12/6 to the extent of 0-51-00Ha and acquisition for the purpose of Special Economic Zone.

For Petitioner : Mr.M.Gnanasekar

For Respondents : Mr.A.Tamilvanan(for R1 to R3 and R5)  
Government Advocate  
Mr.T.P.Manoharan (for R4)

## O R D E R

Heard Mr.M.Gnanasekar, learned counsel for the petitioner and Mr.A.Tamilvanan, learned Government Advocate, after accepting notice on behalf of the respondents 1 to 3 and 5 and Mr.T.P.Manoharan, learned standing counsel for the 4th respondent and with the consent on either side, the writ petition is taken up for final disposal.

2. Petitioner's lands were taken over for formation of a Special Economic Zone, the project funded by Government of Pondicherry and Pondicherry Industrial Promotion Development Industries Corporation [PIPDIC]. The petitioner in this writ petition has challenged the order dated 24.04.2015, which is an order of reference under Section 30 of the Land Acquisition Act, 1984. Therefore, the petitioner cannot be aggrieved by such an order, especially, in the light of the fact that the petitioner seeks for a return of land to him on the ground that the entire project has been scrapped. However, when the project was alive, the petitioner made a similar request for deletion of his lands from acquisition and since, the said representation made by the petitioner was not considered, he approached this Court and filed W.P.No.14243 of 2009. The said writ petition was disposed of by order dated 24.07.2009, with a direction to the 2nd respondent therein to consider the same on merits and in accordance with law. Thereafter, an order came to be passed on 05.11.2009, rejecting the petitioner's request stating that the land has already been handed over to the requisitioning department and the deletion of the land will affect the contiguity of the Special Economic Zone project and accordingly, the petitioner's representation was disposed of.

3. The learned counsel for the petitioner submitted that as of now, the project itself has been scrapped and therefore, the petitioner seeks for deletion of his lands from acquisition. However, in this regard, no representation has been made by the petitioner.

4. Learned Government Advocate appearing for the respondents 1 to 3 and 5 would submit that if the petitioner makes a fresh representation setting out all the subsequent events, which have taken place after the order dated 05.11.2009, the competent authority viz., the 2nd respondent will consider the same on merits and in accordance with law.

5. In the light of the above, while rejecting the challenge made to the impugned proceedings, liberty is granted to the petitioner to submit a fresh representation to the 2nd respondent along with a copy of this order and on receipt of the same the 2nd respondent shall call for appropriate

reports from the 4th and 5th respondents, ascertain the full facts and take a reasoned decision on the petitioner's representation, on merits and in accordance with law and communicate the same to the petitioner within six weeks from the date of receipt of the petitioner's representation.

6. The writ petition is disposed of, accordingly. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-  
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

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(Special Economic Zone) Villianur  
Puducherry-605110.

+1cc to Mr.M.Gnanasekar, Advocate, S.R.No.7040  
+1cc to Mr.T.P.Manoharan, Advocate, S.R.No.7192  
+1cc to the Government Pleader, S.R.No.7003

W.P.No.4086 of 2016

AD(CO)  
CA(11/02/2016)