

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.03.2016

Coram

The Hon'ble Mr. Justice T.S.SIVAGNANAM

Writ Petition No.8996 of 2016

&

W.M.P.No.7993 of 2016

K.Saravanan

...Petitioner

Vs.

1.The Chief Secretary
Government of Puducherry
Secretariat, Puducherry

2. The District Collector
Puducherry District
Saram, Puducherry

3.The Deputy Collector Revenue (South)
and Land Acquisition Officer
Villianur, Puducherry- 605 110

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Mandamus, directing the 1st respondent to consider the representation dated 30.11.2015 made by the petitioner for re-conveyance of his acquired land in Survey No.73/8 measuring to an extent of 1 $\frac{1}{4}$ acres (0.44) Hectares situated at Manamedu, Bahour Commune, Puducherry within the time frame.

For Petitioner : Mr.K.Thilageswaran

For Respondents : Mr.A.Tamilvanan, for R1 to 3
Government Advocate

O R D E R

Petitioner has filed this writ petition for a direction to the 1st respondent to reconvey the land which was acquired from him in Survey No.73/8 measuring to an extent of 1 $\frac{1}{4}$ acres (0.44) Hectares situated at Manamedu, Bahour Commune, Puducherry.

2. It is seen that the land acquisition proceedings are initiated for the purpose of providing free house sites to landless labourers. The proceedings have attained finality and compensation of Rs.4,24,270/- has been determined as compensation for the lands in R.S.No.73/8 measuring an extent of

0.44.00 Hectares in Award No.4/2007 dated 14.03.2007. Admittedly, the petitioner did not produce documents to show that he is sole and rightful owner of the said land to get the compensation. Since there was no response from the petitioner, the Land Acquisition Officer viz., the 3rd respondent has rightly referred the matter to the District Court, Puducherry, under Section 30 of the Land Acquisition Act and the same has been taken on file as LAOP.No.6/2014 and now pending before the II Additional District Court, Puducherry and the matter was posted for hearing on 19.02.2016.

3. Therefore, for the petitioner to maintain this writ petition, first he has to establish he is the rightful owner of the property. Faced to this situation, learned counsel for the petitioner on instructions submitted that the petitioner will approach the Civil Court and file the necessary documents before it and establish his right. The further case of the petitioner is that he is a landless poor and he is also a labourer and if his meager holdings are taken away he would be put to irreparable hardship and for several years the lands have not been utilized.

4. In the light of the said submission, liberty is granted to the petitioner to move the authorities for re-conveyance or for any other relief after the petitioner establishes that he is the sole and rightful owner of the said lands by producing necessary documents before the II Additional District Court, Puducherry, in LAOP.No.6/2014.

5. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

KPR

To

1.The Chief Secretary
Government of Puducherry
Secretariat, Puducherry

2. The District Collector
Puducherry District,Saram, Puducherry

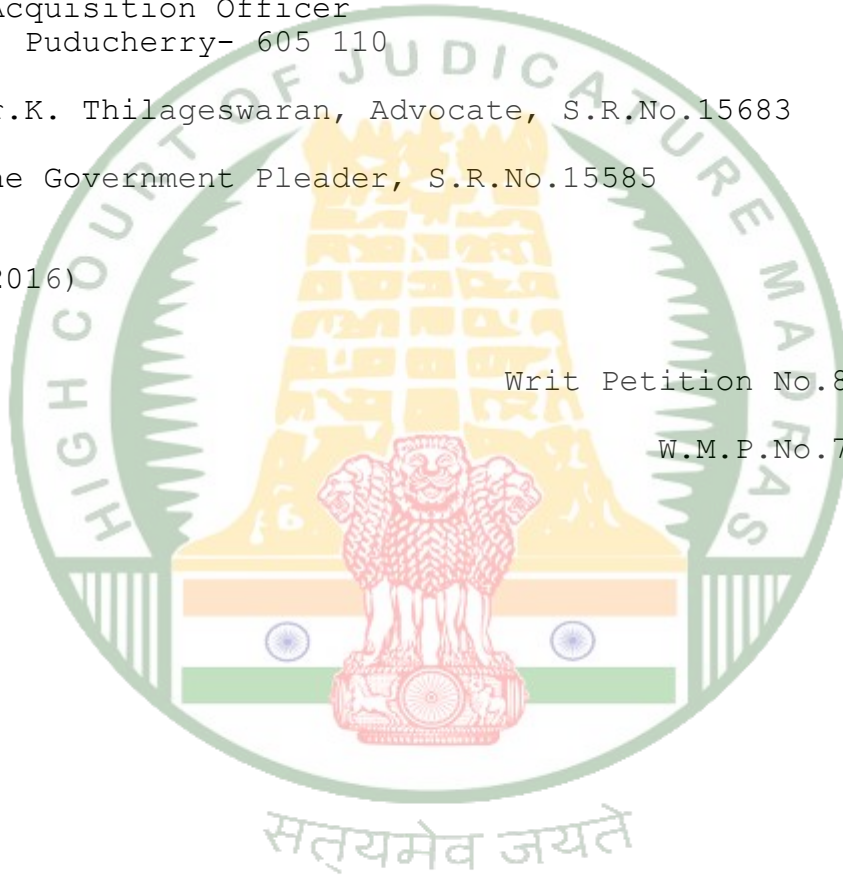
3.The Deputy Collector Revenue (South)
and Land Acquisition Officer
Villianur, Puducherry- 605 110

+1cc to Mr.K. Thilageswaran, Advocate, S.R.No.15683

+1cc to the Government Pleader, S.R.No.15585

CTK(CO)
EU(21/03/2016)

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