

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.392 of 2017

1. A.Malathi
2. M.Kalyani

...Petitioners

-vs-

Sub Collector
Revenue (North) cum
Land Acquisition Officer
Saram, Puducherry

...Respondent

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to pass orders on merits on the Petition No.17250 of 2015 and Petition No.17252/2015 dated 23.10.2015 as provided under Section 28-A(2) of the Land Acquisition Act, 1894 within the reasonable time fixed by this Hon'ble Court.

For Petitioners : Mr.K.Sukumaran

For Respondent : Ms.D.Reena Iswariya
Additional Government Pleader
(Pondy)

ORDER

This writ petition has been filed by Mrs.A.Malathi and Mrs.M.Kalyani seeking issuance of a writ of mandamus, directing the respondent to pass orders on the Petition Nos.17250 and 17252 of 2015 dated 23.10.2015 seeking re-determination of the compensation on the basis of the award passed in L.A.O.P.No.243 of 2009 dated 29.7.2015.

2. The claim of the petitioners is that 16 ares of land covered in R.S.No.246/2 situated in Oulgaret Revenue village, Kadirkamam, Puducherry belonging to their mother were acquired along with some other lands in the same village totalling to an extent of 13.96.50 hectares, by the respondent on 7.6.2005 under a notification issued under Section 4(1) of the Land Acquisition Act, 1894 for urgent purpose, followed by a declaration under Section 6 on 14.6.2005 and thereafter an award was also passed on 12.6.2007 in Award No.5 of 2007 fixing a sum of Rs.60/- per

sq.ft. Challenging the award, one of the land owners, namely, Mr.Pavai Sinouvassin filed L.A.O.P.No.243 of 2009 before the learned III Additional District Judge, Puducherry in respect of the land covered in R.S.No.246/3 under the same notification, which was allowed by an award dated 29.7.2015 enhancing the compensation to Rs.125/- per sq.ft. Since the petitioners are also neighbours, who have got a right over the property by means of a family arrangement, they filed petitions on 23.10.2015 under Section 28-A of the Land Acquisition Act seeking re-determination of the compensation on the basis of the award passed in L.A.O.P.No.243 of 2009. Since the petitions were filed by the petitioners under Section 28-A of the Land Acquisition Act within three months from the date of the award passed on 29.7.2015, the respondent cannot sit over the matter.

3. It is at this stage, the learned Additional Government Pleader, taking notice on behalf of the respondent, submitted that the writ petition deserves to be dismissed, since action has already been taken on the representations submitted by the petitioners by issuing a notice on 3.1.2017 calling upon them to take part in the enquiry to be held on 12.1.2017 at 11.00 A.M., in the office of the respondent.

4. In the light of the above, since action has already been taken by the respondent by issuing a notice on 3.1.2017 calling upon the petitioners to attend the enquiry to be held on 12.1.2017 at 11.00 A.M., in the office of the respondent, this writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrarss

To

1. The Sub Collector
Revenue (North) cum
Land Acquisition Officer
Saram
Puducherry

+1cc to Mr.Sukumaran, Advocate, S.R.No.1937
+1cc to the Government Pleader, S.R.No.1697

SKV(CO)
RS(27/01/2017)

W.P.No.392 of 2017