

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2017

CORAM: THE HONOURABLE Mr. JUSTICE N.SESHASAYEE

W.P.No.11044 of 2004
and WMP.No.12964 of 2004

1.M.Abdul Kader
2.A.Fatima Begum

... Petitioners

Vs

1.The Union of India
Rep. by the Secretary to Government
Housing and Urban Development
Chief Secretariat Buildings
Pondicherry.

2.The Chief Town Planner
Town and Country Planning Department
Jawahar Nagar,
Pondicherry.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of writ of Certiorarified Mandamus, calling for records of the second respondent leading to the issue of the notification No.3973/TCPD/LDS/2002-03, dated 07.01.2003 and quash the same in so far it relates to plot Nos.30 and 31 (Old No.66 and 67) of the petitioners in R.S.No.48 of Reddiarpalayam Revenue Village, Pondicherry (Aziz Nagar) and direct the respondents to delete from acquisition the said plots of the petitioners and issue further orders.

For Petitioners : Mr.Saravanan

For Respondents : Mr.J.Kumaran

Government Advocate (Pondy)

ORDER

The present writ petition is filed by the petitioners seeking an order of writ of certiorarified mandamus for quashing the land acquisition proceedings relating to Plot Nos.30 and 31, comprised in Old Survey Nos.66 and 67, correlated to R.S.No.48 in Reddiarpalayam Revenue Village, Pondicherry.

2. The learned counsel for the petitioners made a short and brief submission in that, the entire land acquisition proceedings pertaining to the adjacent lands of the petitioners have been dropped and nothing is made known about the acquisition proceedings of this. He further submitted

that just by retaining the acquisition proceedings for the said two plots of the petitioners, it is not going to serve the public purpose that was originally intended in the notification, and to retain them for other public purposes would be discriminatory, inasmuch as the acquisition proceedings pertaining to other adjacent lands have been dropped.

2. Counter affidavit dated 10.10.2017 has been filed by the respondents. In paragraph No.11 of the counter affidavit, the respondents have indicated their intention to drop the acquisition proceedings and it is extracted as below :

" The respondent 2 has communicated vide ID Note No.3973/TCP/LAD/2016/136 dated 21.01.2016 to the Deputy Collector (Revenue) (North)-cum-Land Acquisition Officer to take necessary steps to withdraw the acquisition proceedings. There is a delay in obtaining Administrative approval by the Office of the Deputy Collector (Revenue) (North)-cum-Land Acquisition Officer. As it is, there is no acquisition proceedings pending in respect of Plot Nos.30 & 31 at R.S.No.48, Reddiarpalayam Revenue Village (Aziz Nagar) in Puducherry. Therefore, it is prayed that respondent 1 & 2 have no longer any interest in the said plot No.30 & 31 at R.S.No.48, Reddiarpalayam Revenue Village (Aziz Nagar) in Puducherry. It is therefore prayed that the Writ Petition No.11044 of 2004 has no substance and merit as against the respondent 1 & 2. Hence appropriate order may please be passed."

3. In view of the facts alleged in paragraph No.11 of the counter affidavit as extracted above, this Court deems it appropriate to allow this writ petition and the notification No.3973/TCPD/LDS/2002-03, dated 07.01.2003, issued by the second respondent as regards to the acquisition of petitioners' lands alone is hereby quashed. No costs. Consequently, connected miscellaneous petitions are closed.

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Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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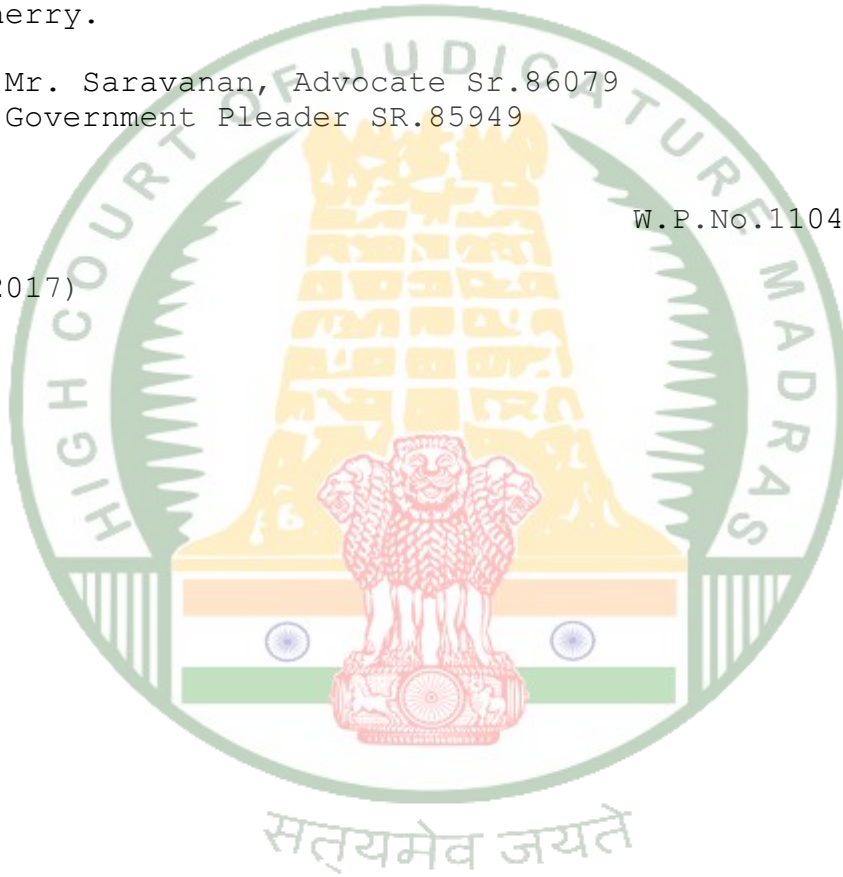
1.The Secretary to Government,
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2.The Chief Town Planner
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Pondicherry.

+ 1 cc to Mr. Saravanan, Advocate Sr.86079
+ 1 cc to Government Pleader SR.85949

W.P.No.11044 of 2004

MG(CO)
EU(21/12/2017)



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