

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.No.30698 of 2005

V.S.Jagadesan

... Petitioner

Vs

1.The Union of India,
rep. by its Administrator,
Government of Pondicherry,
Pondicherry.

2. The Deputy Collector (Revenue),
North cum Land Acquisition Officer,
Government of Pondicherry,
Pondicherry.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent in proceedings no.325/ECR/LA/92-93 dated 11.07.2005 and quash the same as illegal, incompetent and without jurisdiction and further direct the respondents to pay compensation to the petitioner for acquisition of the property situate at R.S.153/23/A2 and 153/23/C1, Karuvadikuppam Village, Ulavarkaraicommune, Pondicherry.

For Petitioner : Mr. V.Raghavachari

For Respondent : Mr. A.Gandhiraj,
Government Advocate (Pondy)

O R D E R

This writ petition has been filed challenging the order passed by the second respondent, Deputy Collector.

2. The grievance of the petitioner is that a land in survey No. RS.153/23/A2 and 153/23/C1, Karuvadikuppam village, Ulavarkaraicommune, Pondicherry, belongs to one Saroja @ Aavai . The petitioner has entered into a sale agreement with the land owner. Pending the sale proceedings, the respondents acquired

the land. In the said circumstances, the petitioner has made a representation to the second respondent to pay the compensation to the petitioner. Now, that request has been rejected by the second respondent on the ground that already the original land owner has received the compensation. Now, challenging the said order, the present writ petition has been filed.

3. I have heard the learned counsel appearing for the petitioner and the learned Government Advocate (Pondy) appearing for the respondents.

4. It is the admitted case of the petitioner, that he is only a agreement holder, and the property was not transferred in favour of the petitioner. That apart, already the award amount has been received by the land owner. In the said circumstances, the petitioner, being an agreement holder, is not entitled for any cooperation and the second respondent has rightly rejected the claim of the petitioner and I do not find any infirmity in the order and there is no merit in the writ petition.

5. Accordingly, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

mrp

To

1. The Administrator,
Union of India,
Government of Pondicherry,
Pondicherry.

2. The Deputy Collector (Revenue),
North cum Land Acquisition Officer,
Government of Pondicherry,
Pondicherry.

+1cc to Mr.V.Raghavachari, Advocate, S.R.No.67303

+1cc to the Government Pleader cum public prosecutor for
Pondicherry, S.R.No.67578.

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CP(CO)
SSM(29/11/2018)