

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.No.3702 of 2018
and
W.M.P.No.4523 of 2018

J.Muthukrishnan

... Petitioner

Vs

1. The Union of India
Represented by the Chief Secretary,
Government of Puducherry,
Chief Secretariat,
Goubert Avenue (Beach Road),
Pondicherry-1.
2. The Chief Engineer,
Central Office, Public Works Department,
No.34, Lal Bahadur Sastry Street,
Pondicherry-1.
3. The Executive Engineer,
Buildings and Roads - South
No.1, Dr.Ambedkar Salai,
Pondicherry-1.
4. The Assistant Engineer,
Sub-Division-4, BRS,
Public Works Department,
Korimedu, Pondicherry-6.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd respondent to strictly adhere to the procedures contemplated under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 and fix compensation to the petitioner's land measuring to an extent of 717 sq.ft., in R.S.No.109/6 as per the market value and further direct the respondents to pay compensation for the mental agony of the petitioner by appreciating the above stated facts.

For Petitioner : Mrs.R.Shase
For Respondents : Mr.J.Kumaran
Government Advocate

O R D E R

The case of the petitioner is that he owns a piece of property admeasuring 33.55 ares in R.S.No.109/6 comprised in cadestre No.262/1/3, 262/2/3, 262/3/3, 262/2/2 out of the total extent of 63 ares virtue of partition deed dated 17.07.2003 and the same was registered as Document No.1354/2003 before the office of the Sub-Registrar at Bahur.

2. The grievance of the petitioner is that part of the property measuring 717 sq.ft., was utilised by the respondents for constructing a bridge on a highway and since the same was done without following any of the procedure under the Land Acquisition Act, the petitioner has come forward with the present writ petition for the issuance of Writ of Mandamus directing the 3rd respondent to strictly adhere to the procedures contemplated under the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. In between as there was encroachment, the respondent has already taken and attempted to utilise the property of the petitioner and hence, he moved to Civil Court in O.S.No.1878 of 2017 on the file the Principal District Munsif at Puducherry seeking for declaration of the petitioner's title and other allied ancillary reliefs.

3. Mrs.R.Shase, learned counsel for the petitioner submitted that despite repeated pleading that the respondent more particularly, the 3rd respondent were given to invite on the petitioner's property ignoring all the disputes of rule of law and whether utilising the property as correlated for the petitioner to approach this Court.

4. Responding to the same, Mr.J.Kumaran, the learned Government Advocate appearing for the respondents assisted by Mr.B.Balaji, Junior Engineer, Buildings and Roads (South) Division, P.W.D., Puducherry submitted that the respondents have realised the mistake and by proceedings No.978/PW/BRS/2017-18/Land Acq, (IC) dated 06.03.2018 and invited the petitioner for the meeting based on the proceedings of the Government for the compensation payable. The copy of the said negotiation is also circulated to this Court. The said statement of the learned Government Advocate is recorded.

5. Inasmuch as the respondents have realised their mistake, it is appropriate to direct the respondents either to proceed to fix the compensation amount by indicating or in the eventuality

of any of its agreement to arrive at the same to proceed to acquire the land as per the provisions of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013. The entire exercise however should be completed irrespective of the options to be adopted by the respondents within a period of six months from today. So far as the invitation for the meeting based on the communication of the 3rd respondent dated 06.03.2018 is concerned, the same shall take place at 11.00 a.m., on 12.03.2018, at the office of the 3rd respondent. The said time and date are fixed by this Court, after confirmed by both the parties. The said meeting is directed to be conducted even without waiting for a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

7. For reporting compliance post on 01.10.2018.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

ssn

To

1. The Union of India
Represented by the Chief Secretary,
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Pondicherry-1.

2. The Chief Engineer,
Central Office, Public Works Department,
No.34, Lal Bahadur Sastry Street,
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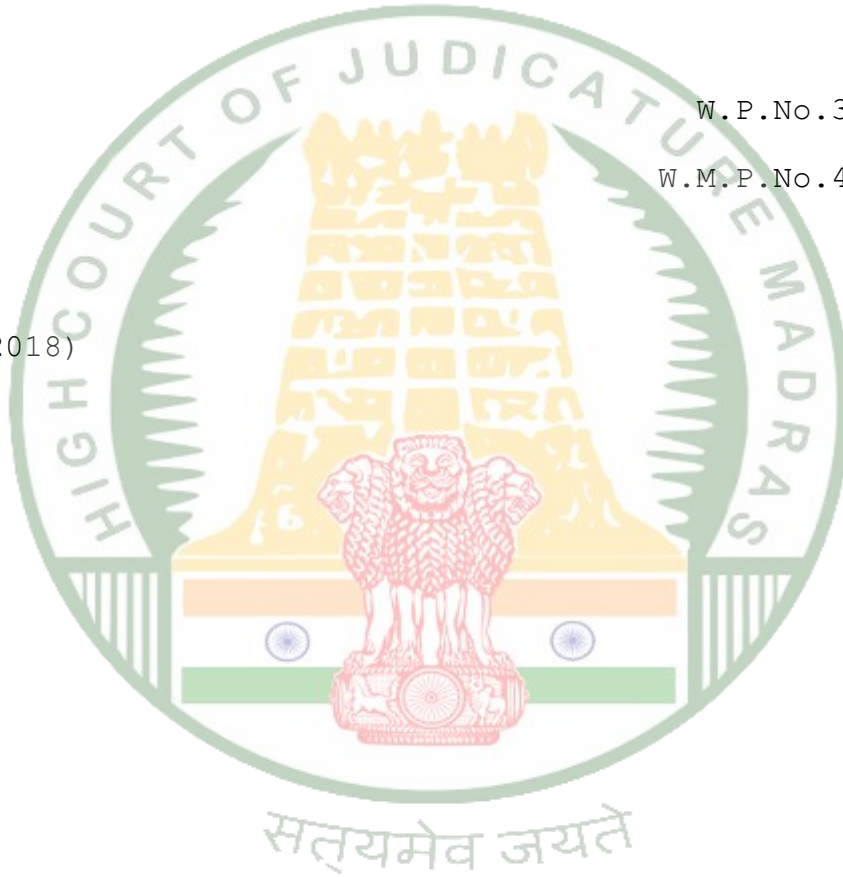
3. The Executive Engineer,
Buildings and Roads - South
No.1, Dr.Ambedkar Salai,
Pondicherry-1.

4. The Assistant Engineer,
Sub-Division-4, BRS,
Public Works Department,
Korimedu, Pondicherry-6.

+1 CC to Mr.M. Guruprasad, Advocate sr 18162.
+1 CC to Govt. Pleader, Puducherry, sr 18158.

W.P.No.3702 of 2018
and
W.M.P.No.4523 of 2018

GMR (CO)
SP (12/03/2018)



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