

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.01.2018

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.15656 of 2017

Mrs.Balkees Ummal  
W/o. Mohammed Farook,  
No.78, Maideen Pallai Street, Karaikal, rep by power Agent  
Rabiathul Bashiria  
W/o. Shahul Hameed  
54, Mamathambi Street,  
Karaikal.

...Petitioner

Versus

1. The Sub Collector,  
(Revenue cum Land Acquisition Officer),  
Karaikkal.
2. The Collector,  
Karaikkal.
3. The Revenue Secretary,  
Government of Puducherry,  
Puducherry.

....Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider and pass orders on the representation of the petitioner dated 22.03.2017 seeking to declare lapse of land acquisition proceedings and in the alternative to pay compensation under the Act 30 of 2013.

For Petitioner : Mr.N.A.Nissar Ahmed

For Respondents : Mr.J.Kumaran,  
Govt. Advocate (Puducherry)

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O R D E R

This is the case where the petitioner's property in T.S.No.6/3 of Kovilpattu Village was acquired, exercising the emergent provisions when a notification under Section 4(1) read with Section 17 of the Land Acquisition Act, 1894 (hereinafter referred to as "Act") was issued and as required under Section 17(3) of the Act, 80% of the compensation too has been paid to the petitioner, yet for the next eleven years since the acquisition in 2006, the respondent has not taken any initiative

to pass the final award. Hence, the petitioner is before this Court to direct the respondents to pass the final award.

2. The learned counsel for the petitioner reminded this Court that the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation & Resettlement Act, 2013 (Central Act 30 of 2013) (hereinafter referred to as "Right to Fair Compensation Act") has come into force from 01.01.2014 and that any award that may have to be passed must be done only under the said Act.

3. The counter affidavit is filed in this case. Mr.J.Kumaran, the learned Government Advocate (Puducherry) appeared for the respondents and has made submissions. The learned Government Advocate fairly submitted that the Government would pass an award in terms of the Right to Fair Compensation Act.

4. This Writ Petition is therefore allowed with a direction to the Authorities to pass the final award in terms of the provisions of the Right to Fair Compensation Act within a period of three months from the date of receipt of a copy of this order and deduct there from any amount that has already been paid under the provisions of under Section 17(3) of the Land Acquisition Act, 1894 and shall make the payment within three months thereafter and report compliance.

5. With the above direction, this Writ Petition is disposed of. No costs.

Post the matter for reporting compliance to 25.07.2018.

Sd/-

Deputy Registrar

/true copy/

Sub Asst. Registrar

To

1. The Sub Collector,  
(Revenue cum Land Acquisition Officer),  
Karaikkal.
2. The Collector,  
Karaikkal.

3. The Revenue Secretary,  
Government of Puducherry,  
Puducherry.

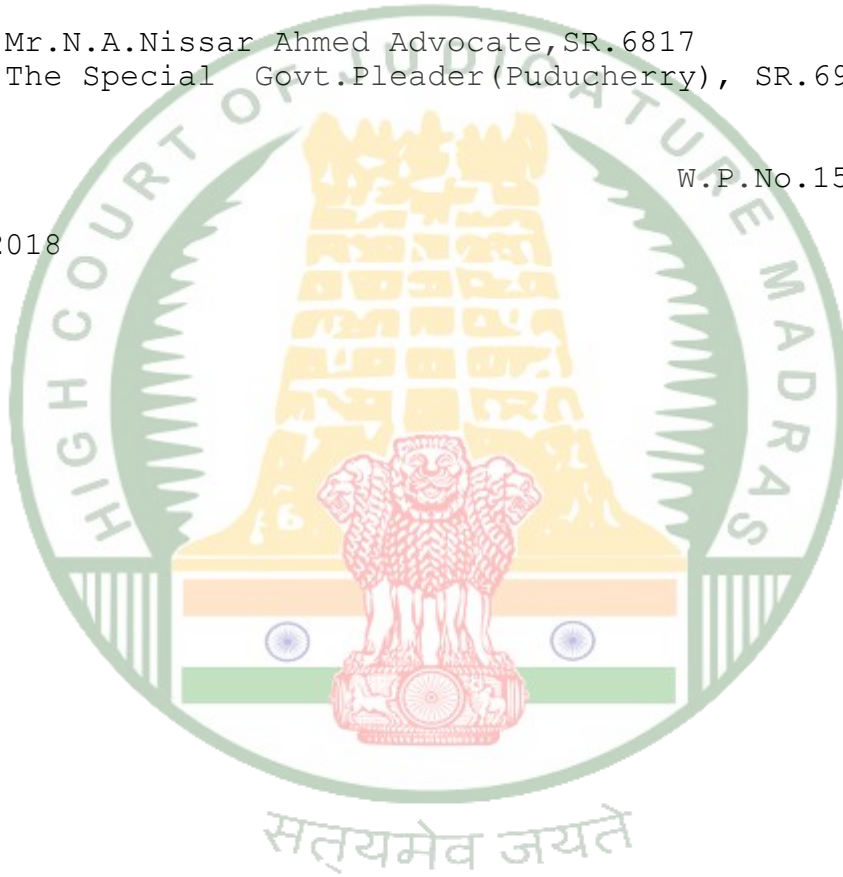
Copy to:

The Section Officer,  
Writ Section,  
High Court, Madras-104.  
(post for reporting compliance on 25/07/2018)

+ 1 cc to Mr.N.A.Nissar Ahmed Advocate, SR.6817  
+ 1 cc to The Special Govt.Pleader(Puducherry), SR.6942

W.P.No.15656 of 2017

nr 11/04/2018



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