

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27871 of 2006

And

M.P.No.2 of 2006

1.N.Krishnaraj
2.L.Sadasivam
3.N.Arjunan
4.D.Thandapany
5.P.Vaithianathan

.... Petitioners

Vs.

1.Union of India, represented by
The Additional Secretary to
Government (Revenue),
Revenue Department
(Land Acquisition),
Government of Pondicherry,
Pondicherry.

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

3.V.Thayumanasamy
4.V.Jayaraman
5.V.Senthinayagam
6.Padmini

सत्यमेव जयते

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 and 2 herein to make a reference Under Section 30 of the Land Acquisition Act 1894 to the competent Civil Court having jurisdiction at Pondicherry to decide the entitlement and claims of the compensation amount awarded to the lands acquired in pursuance of declaration issued under section 6 of the Land Acquisition Act in G.O.Ms.No.74 Revenue Department dated 09.06.2005, Government of Pondicherry between the petitioners and the respondents 3 to 6 as regards the lands comprised in

R.S.Nos.235/3, 235/5, 236/8, 237/2, 238/1, 238/6, 238/10, 239/14 situated in Oulgaret Village, Oulgaret Sub Registration District, Pondicherry Registration District.

For Petitioners: Mr.R.Natarajan

For Respondents: Mr.B.Nambiselvam for R1 and R2
Additional Government Pleader
(Pondicherry)
Mr.T.R.Rajaraman for R3 to R6

O R D E R

The petitioners have filed this writ petition seeking issuance of Writ of Mandamus directing the respondents 1 and 2 to make a reference under Section 30 of the Land Acquisition Act, 1894, to the competent Civil Court having jurisdiction at Pondicherry to decide the entitlement and claims of the compensation amount awarded to the lands acquired in pursuance of declaration issued under Section 6 of the Land Acquisition Act in G.O.Ms.No.74, Revenue Department, dated 09.06.2005, Government of Pondicherry, between the petitioners and the respondents 3 to 6 as regards the lands comprised in R.S.Nos.235/3, 235/5, 236/8, 237/2, 238/1, 238/6, 238/10, 239/14 situated in Oulgaret Village, Oulgaret Sub Registration District, Pondicherry Registration District.

2.The case of the petitioners is that they had jointly entered into an agreement of sale with the respondents 3 to 6 on 07.01.2001 and paid a sum of Rs.11 Lakhs as advance and thereafter paid a sum of Rs.33 Lakhs on various dates till 24.11.2003 to the respondents 3 to 6. The land was acquired by the first respondent Government and award was passed on 12.06.2007. Though the petitioners repeatedly sent representations to the Authorities for referring the matter to a competent Civil Court for apportionment of compensation under Section 30 of the Land Acquisition Act, there was no response on the said representations.

3.The learned counsel appearing for the petitioners would submit that as against the inaction of the first respondent, the petitioners have filed the present writ petition for referring the matter to a competent Civil Court for apportionment of compensation under Section 30 of the Land Acquisition Act.

4.The learned counsel appearing for the petitioners would further submit that the petitioners have invested huge amount in the property. However, the said properties were acquired by the Government and as per the provision under Section 30 of the

Land Acquisition Act, the person interested is entitled to get apportionment of compensation. It is the duty cast upon the first respondent to refer the matter before the competent Civil Court for apportionment of compensation.

5.The learned counsel appearing for the respondents 1 and 2 as well as the learned counsel appearing for the respondents 3 to 6 would submit that though there is dispute in payment of compensation, however, it is not in dispute that the matter has to be referred to a competent Civil Court under Section 30 of the Land Acquisition Act, for apportionment of compensation.

6.Heard the arguments advanced on either side.

7.In view of the above and in order to render complete justice to the parties, it is appropriate to issue a direction to the respondents 1 and 2 to refer the matter to the competent Civil Court for apportionment of compensation under Section 30 of the Land Acquisition Act.

8.Accordingly, the respondents 1 and 2 are directed to refer the matter to the competent Civil Court for apportionment of compensation under Section 30 of the Land Acquisition Act. The said exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order. Thereafter, the competent Civil Court shall decide the matter in accordance with law.

9.The writ petition is accordingly disposed of. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

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To

1.Additional Secretary to
Government (The Revenue),
Union of India,
Revenue Department
(Land Acquisition),
Government of Pondicherry,
Pondicherry.

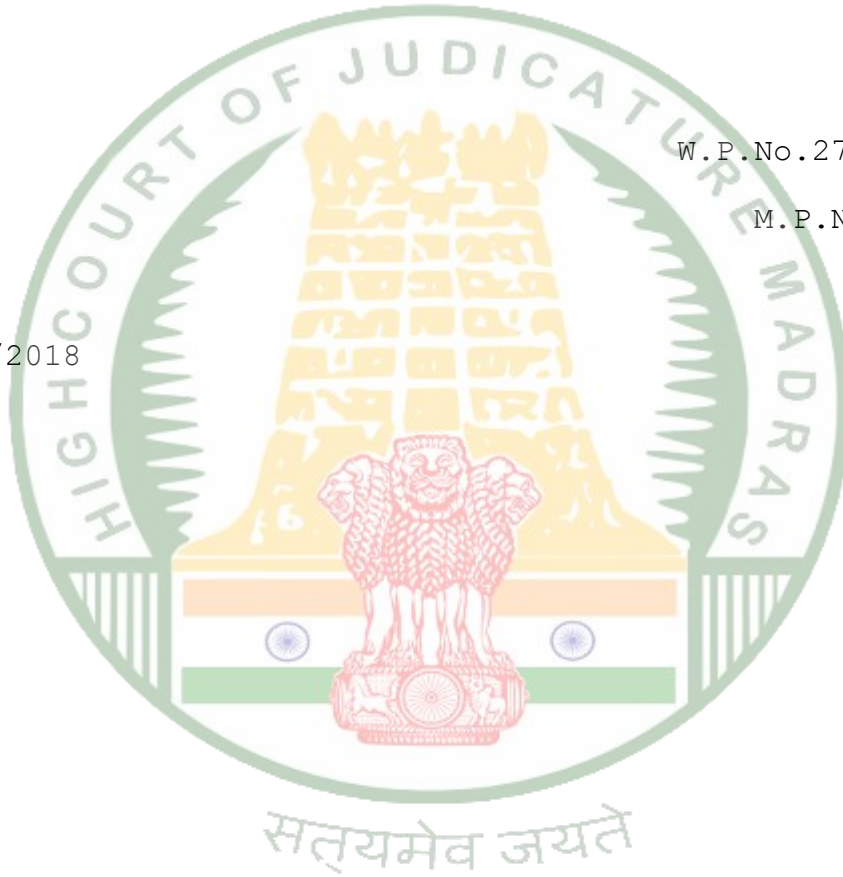
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2.The Deputy Collector (Revenue)
and Land Acquisition Officer,
Government of Pondicherry,
Pondicherry.

+1cc to the Government Pleader Sr.36318
+1cc to Mr.T.R.Rajaraman, Advocate Sr.36366
+2cc to M/S.R.Natarajan, Advocate Sr.35973

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srg 20/06/2018



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