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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.BHARATHIDASAN

W.P.s 36827, 36828, 36829, 36830 & 36831 of 2004

W.P. 36827 of 2004

Dr.Govindaraj

... Petitioner

Vs.

1. The Union of India,
rep. by the Secretary to Government,
Revenue Department,
Government of Pondicherry,
Pondicherry.

2. Revenue Officer cum Land
Acquisition Officer,
Central University,
Land Acquisition Wing,
Education Department,
Pondicherry.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay interest to the petitioner in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of his lands comprised in R.S.Nos.82/5, 82/4, 82/2 and 167/7 respectively at Pillaichavady Village, Oulgaret Commune, Pondicherry.

W.P. 36828 of 2004

1.V.Chakravarthi (Deceased)
2.Kamsala
3.Mouniappane
4.Alamelu
5.Santi

... Petitioner

(Petitioners 2 to 4 are substituted as LRS of the deceased first Petitioner vide order dated 14/09/2018 made in WMP No.27651/18 n W.P.No.36878/04)



Vs

1. The Union of India,
rep. by the Secretary to Government,
Revenue Department,
Government of Pondicherry,
Pondicherry.

2. Revenue Officer cum Land
Acquisition Officer,
Central University,
Land Acquisition Wing,
Education Department,
Pondicherry.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the interest to the petitioner in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of his lands comprised in R.S.Nos.53/6A, 53/6C, 53/7A and 176/3 respectively at Pillaichavady Village, Oulgarat Commune, Pondicherry.

W.P. 36829 of 2004

V.Ramalingam

... Petitioner

Vs

1. The Union of India,
rep. by the Secretary to Government,
Revenue Department,
Government of Pondicherry,
Pondicherry.

2. Revenue Officer cum Land
Acquisition Officer,
Central University,
Land Acquisition Wing,
Education Department,
Pondicherry.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the interest to the petitioner in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of his lands comprised in R.S.Nos.97/13, 108/8, 109/11, 109/12, 114/5 respectively at Pillaichavady Village, Oulgarat Commune, Pondicherry.



W.P. 36830 of 2004

1.B.Visalakshmi (Deceased)
2.Elumalai

... Petitioner

(2nd Petitioner substituted as Lr of the deceased first
Petitioner vide order dated 14/09/18 made in WMP No.2765/18
in W.P.No.36830/04)

Vs

1. The Union of India,
rep. by the Secretary to Government,
Revenue Department,
Government of Pondicherry,
Pondicherry.

2. Revenue Officer cum Land
Acquisition Officer,
Central University,
Land Acquisition Wing,
Education Department,
Pondicherry.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the interest to the petitioner in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of his lands comprised in R.S.Nos.206, 206 pt, 209/1A, 209/2A, 209/3A and 200/1 respectively at Pillaichavady Village, Oulgarat Commune, Pondicherry.

W.P. 36831 of 2004

A.Ananda Ranga Ravichandiran

... Petitioner

Vs

1. The Union of India,
rep. by the Secretary to Government,
Revenue Department,
Government of Pondicherry,
Pondicherry.

2. Revenue Officer cum Land
Acquisition Officer,
Central University,
Land Acquisition Wing,
Education Department,
Pondicherry.

... Respondents



PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to pay the interest to the petitioner in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of his land comprised in R.S.No.170 at Pillaichavady Village, Oulgarat Commune, Pondicherry.

For Petitioner : Mr.R.Venkatasulu

For Respondents : Mr.J.Kumaran,
Government Pleader

O R D E R

This Writ Petition has been filed seeking for the interest on the compensation of award amount.

2. The grievance of the petitioners are that the petitioners lands were acquired by the respondents and the award has been passed. Even though the petitioners have filed the petition seeking for interest on the compensation, it was not considered by the respondents, but, one Rajambal, who is the neighbouring owner was paid interest on the compensation. Thereafter, the petitioners have approached the authority invoking the provisions under Sec.28A of Land Acquisition Act seeking for the compensation as per the award passed against the neighbouring owner and the award was also passed. While granting the award in the petition filed under Sec.28-A of the Act, the respondents did not calculate the interest, for which the petitioners are entitled to. Hence, the petitioners have filed the present Writ Petitions.

3. The learned counsel appearing for the respondents, on instructions, submitted that the petitioners may be directed to approach the 2nd respondent and submit the memo of calculation regarding their entitlement for interest and on filing such calculation, the 2nd respondent will consider the same and pass suitable orders.

4. In the above circumstances, the petitioners are directed to approach the 2nd respondent and file the detailed representations along with calculation memo regarding his entitlement of interest within a period of two weeks from the date of receipt of the copy of this order. Thereafter, on filing such memo, the 2nd respondent is directed to consider the same and pass suitable orders on merits and in accordance with law after giving opportunity to the petitioners within a period of four weeks from the date of receipt of the copy of this order.



5. With the above direction, the Writ Petitions are disposed of. No costs.

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpp

To

1. The Secretary to Government,
Revenue Department,
Government of Puducherry,
Puducherry.

2. Revenue Officer cum Land
Acquisition Officer,
Central University,
Land Acquisition Wing,
Education Department,
Puducherry.

+1cc to the Government Pleader Sr.63876
+5ccs to Ms.Usha Raman, Advocate sr.63876 & 63877

W.P.s 36827 to 36831
of 2004

br[co]
srg 21/01/2019