

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.09.2019

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.26372 of 2013

1.Chembantavida Surendran
2.Chembantavida Sivadasan
3.Chembantavida Leela ... Petitioners

Vs

1.The Union of India,
Rep. By the Union Territory of Puducherry,
Rep. By its Secretary to Government,
Department of Revenue and Disaster Management,
Puducherry.
2.Special Secretary,
(Revenue)-cum-District Collector,
Puducherry.
3.Koyyottu Ganapathi Devasom,
Rep. By its Mootha Chetiar Mr.Govindan,
P.O.Naluthara, Mahe. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to the Notification under Section 4(1) of the Land Acquisition Act, 1894, made in G.O.Ms.No.9, dated 18.06.2012, on the file of the second respondent culminating in declaration under Section 6 of the Land Acquisition Act 1894 made in G.O.Ms.No.4, dated 09.07.2013, on the file of the second respondent and quash the same.

For petitioner : Mr.S.Siva Shanmugam

For R1 & R2 : Mr.A.V.Ramalingam, AGP (Pondy)

For R3 : No Appearance

ORDER

The writ petition is directed against the Notification issued under Section 4(1) of the Land Acquisition Act, 1894, made in G.O.Ms.No.9, dated 18.06.2012, culminating the Declaration issued under Section 6 of the Act made in G.O.Ms.No.4, dated 09.07.2013, by the second respondent.

2. When the matter is taken up, learned Additional Government Pleader (Pondy) appearing for the respondents 1 and 2, drawing the notice of this Court a proceeding dated 13.11.2018 of the Executive Engineer, PWD, Mahe, addressed to the Deputy Collector (Revenue)-cum-Land Acquisition Officer, Mahe, submitted that as the land acquisition proceeding has been dropped, the land belonging to the petitioner is not required under the Land Acquisition Act for public purpose. Relevant portion of the said proceeding is extracted below:-

"The sump was intended for storage of water, tapping out from the gravity main from the Anjarakkandy scheme. The collected water was intended for distribution at high lands of Palloor, Pandakkal area. The Acquisition process was not expedited, considering the fund position and pending payments on account of lands already acquired.

Now an alternate proposal for constructing a storage sump at the CHC quarters site at Palloor is taken up.

The proposal for sparing the land is taken up so as to utilise the Government land available and constructing the OHT at Kareekkunnu area in the land acquisition for new building for CHC.

Hence re-initiating the procedure for Land Acquisition under RFCLRR (Right to Fair Compensation in Land Acquisition Rehabilitation and Resettlement Act) may be dropped."

3. From the above said proceedings dated 13.11.2018 of the Executive Engineer, Mahe, it is clear that the respondents have initiated alternative proposal so as to utilize the land belonging to the Government and therefore, they have also dropped the proposal made to acquire the land belonging to the petitioner. Thus, in such view of the matter, as the respondents have already dropped the land acquisition proceedings, nothing survives in the writ petition and accordingly, the writ petition stands closed. Connected MPs are also closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rkm

To

1. Secretary to Government,
Union Territory of Puducherry,
Department of Revenue and Disaster Management,
Puducherry.
2. Special Secretary,
(Revenue)-cum-District Collector,
Puducherry.

+1cc to Mr.S.Siva Shanmugam, Advocate Sr.83769
+1cc to the Government Pleader Sr.83574

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srg 15/11/2019

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