

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 04.04.2019

Coram

The Honourable Mr. Justice D.KRISHNAKUMAR

W.P.No.10043 of 2019

R.Boopathy

...Petitioner

Versus

1. Union of India,
Represented by
The Secretary to Government of Puducherry (Revenue),
Puducherry.

2. The Deputy Collector (Revenue) South-cum-
Land Acquisition Officer,
Pondicherry. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to consider and pass orders on the representation made by the petitioner dated 07.01.2019 for re-determination of compensation under Section 28A of Land Acquisition Act, 1894 in award No.8/2003, dated 28.07.2003 within a reasonable time limit fixed by this Court.

For Petitioner : Ms.C.Jayachitra

For Respondents : Ms.G.D.Jearany,
Government Advocate (Puducherry)

O R D E R

With the consent of both sides, this Writ Petition is taken up for final disposal.

2. The relief sought for in this Writ Petition is to direct the respondents herein to consider and to pass orders on the representation made by the petitioner dated 07.01.2019 for re-determination of compensation under Section 28A of Land Acquisition Act, 1894 in award No.8/2003, dated 28.07.2003 within a reasonable time limit fixed by this Court.

3.1. The petitioner is the absolute owner of a land, measuring to an extent of 1 Hectare 14 Ares and 50 Ca, situated at Sedarapet Village, Villianoor Commune, Puducherry. The respondents have acquired the petitioner's land for the purpose of setting up of an integrated infrastructural Development Project. Since an objection was raised by Mrs.Meenakshiammal and her two sons with regard to the title over the petitioner's land a reference was made by the respondents herein under Section 30 of Land Acquisition Act, 1894 for deciding the rightful owner as to who is entitled to receive the compensation awarded in Award No.8 of 2003, dated 28.07.2003.

3.2. Thereafter, the petitioner made a representation dated 07.01.2019 before the respondents for re-determination of compensation under Section 20A of Land Acquisition Act, 1894 based on the award passed in L.A.O.P.No.109 of 2012 dated 01.12.2018. The petitioner made the aforesaid representation within three months time from the date of passing the award in L.A.O.P.No.109 of 2012. But the respondents have not considered the representation of the petitioner, till date, which necessitated the petitioner to file the present writ petition seeking for the aforesaid relief.

4. The learned counsel appearing for petitioner submitted that the petitioner's land was acquired by the respondents and an award was also passed. Since the compensation awarded is not adequate the petitioner has made a representation before the respondents for re-determination of such award. But the same has not been considered by the respondents as on date.

5. The learned Government Advocate appearing for the respondents submitted that the petitioner's representation will be considered by the respondents on merits and appropriate orders would be passed within a time frame as stipulated by this Court.

6. Heard the learned counsel for petitioner and the learned Government Advocate for respondents.

7. Considering the facts and circumstances of the case, this Court without going into the merits of the case, directs the second respondent to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law as expeditiously as possible, preferably, within a period of twelve weeks from the date of receipt of a copy of this order.

8. This Writ Petition is disposed of with the above direction. However, there shall be no order as to costs.

Sd/-
Deputy Registrar (CJ Conf.,)

//True Copy//

Sub Assistant Registrar

mrr

To

1. The Secretary to Government of Puducherry (Revenue), Puducherry.
2. The Deputy Collector (Revenue) South-cum-Land Acquisition Officer, Pondicherry.

+3 ccs to Mr.D.Anand Raj, Advocate, S.R.No.33249

+1 cc to the Government Pleader for Puducherry, S.R.No.32964

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RV(CO)
SSM(19/06/2019)



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