

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2020

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.14429 of 2020
and WMP. No.17914 of 2020

1. Patchayappan
2. Elumalai

... Petitioners

Vs.

1. Union of India,
Rep.by the Secretary to Government,
Revenue Department,
Government of Pondicherry, Pondicherry.
2. The Revenue Officer-cum-Land Acquisition Officer,
Central University,
Land Acquisition Wing,
(Education Department), Pondicherry.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of 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 lands comprised in R.S.Nos.52/1 measuring an extent of 0.12.00 hectares (1st petitioner) and R.S.No.52/1 measuring an extent of 0.12.00 hectares (2nd petitioner) at Kalapet, Pondicherry.

For Petitioner : Ms. Usha Ramman

For Respondents : Mr. A.V. Ramalingam,
Additional Government Pleader(P)

O R D E R

The present writ petition has been filed for the issue of writ of mandamus directing the respondents to pay interest on several heads that is claimed by the petitioners for the lands that was acquired from the petitioners.

2. The case of the petitioners is that several lands were acquired at the Kalapet Revenue Village for the establishment of the Central University invoking the urgency clause. The compensation amount was fixed and subsequently it was also

enhanced. But, however, interest was not paid for the enhanced compensation to the land owners.

3. The further case of the petitioners is that writ petitions were filed before this Court and ultimately the issue reached the Hon'ble Supreme Court and the Hon'ble Supreme Court in Union of India Vs. Pushpavathi & others reported in 2018 (4) MLJ pg.140 held that the dispute in relation to the non award of interest could be raised by the aggrieved person by taking recourse to Article 226 of the Constitution of India. The Hon'ble Supreme Court further held that the reference under Section 18 or Section 28A cannot be considered to be an alternative statutory remedy for this purpose.

4. According to the petitioners, several land owners were granted interest for the enhanced compensation and the petitioners also claimed for such interest. Since the same was not considered, the present writ petition has been filed before this Court.

5. Heard the learned counsel for the petitioners and the learned counsel for the respondents.

6. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the petitioners can be directed to make a fresh representation to the respondents along with all the relevant documents and the same will be considered and appropriate orders will be passed by the respondents.

7. Taking into consideration the facts and circumstances of the case and of the fact that the matter has already reached its finality before the Hon'ble Supreme Court, there shall be a direction to the petitioners to submit a fresh representation to the second respondent by furnishing all the particulars along with the documents. The second respondent shall consider the same in line with the earlier orders passed by this Court and the Hon'ble Supreme Court and pass appropriate orders, within a period of eight weeks thereafter.

8. This writ petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

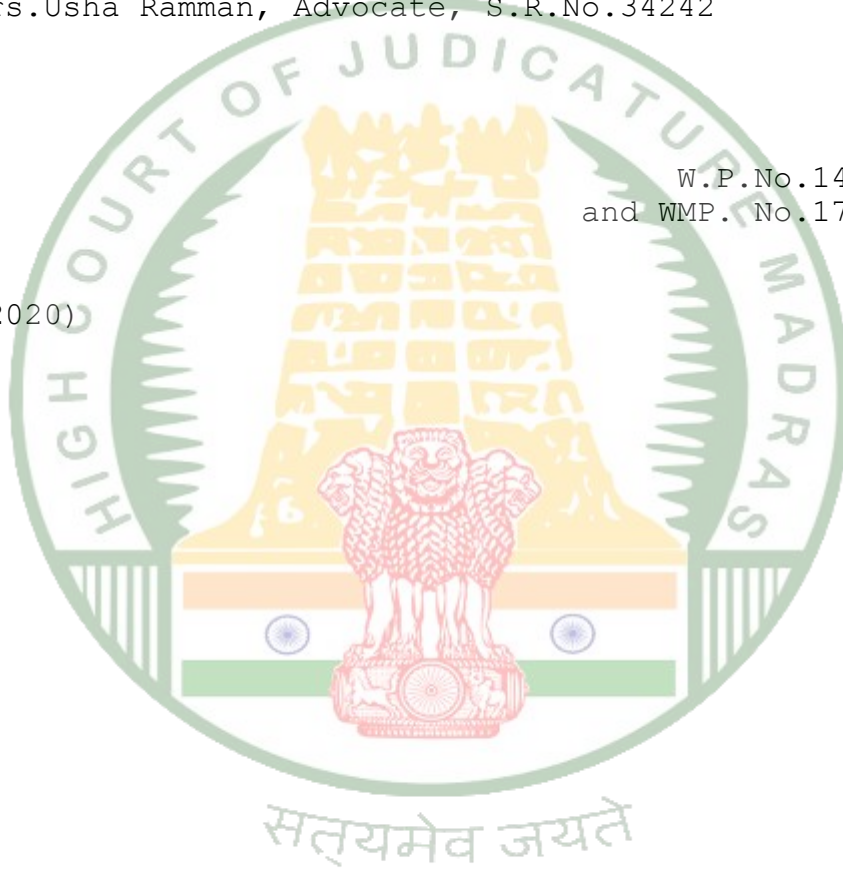
To

1. The Secretary to Government,
Union of India,
Revenue Department,
Government of Pondicherry, Pondicherry.
2. The Revenue Officer-cum-Land Acquisition Officer,
Central University,
Land Acquisition Wing,
(Education Department), Pondicherry.

+1cc to Mrs.Usha Ramman, Advocate, S.R.No.34242

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PA (CO)
RV(20/11/2020)



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