



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2021

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.11915 OF 2011

AND

M.P.NO.1 OF 2011

- 1.Jaya
- 2.K.Shanthi
- 3.Balu
- 4.Inbavalli
- 5.Prema
- 6.Sundaram
- 7.Kalvikkarasi

...Petitioners

Vs

- 1.Government of Pondicherry,
Rep. by Secretary, Department of
Revenue and Disaster Management,
Union Territory of India,
Pondicherry.
- 2.Deputy Collector (Revenue),
South-cum-Land Acquisition Officer,
Government of Pondicherry,
Pondicherry.

...Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling the records of the second respondent in No.651/DCRS/LA/N/2006 dated 21.03.2011 and quash the same and direct the first respondent to consider and dispose of the representation of the petitioners dated 07.02.2011 by a date to be fixed by this Court.

For Petitioners : Mr.K.Chandrasekaran

For Respondents : Mr.C.T.Ramesh
Additional Government Pleader
(Puducherry)



O R D E R

The order, dated 21.03.2011, passed by the 2nd respondent is sought to be quashed in the present writ petition and a further relief is sought for to direct the 1st respondent to consider and dispose of the representation of the petitioners, dated 07.02.2011.

2. Admittedly, the land acquisition proceedings were concluded in the year 2006. The petitioners claim that the lands acquired are yet to be utilised for the benefit of the Scheduled Caste people. The petitioners submitted a representation for reconveyance of the acquired land. The Deputy Collector (Revenue - South), Government of Puducherry, rejected the application by stating that, on acquisition, the land is vested with the Government and the Government has already taken the possession of the acquired land on 07.10.2008.

3. The learned counsel for the petitioners made a submission that the petitioners' families are suffering and therefore, the representation is to be considered.

4. High Courts, in such circumstances in respect of acquired lands, is not expected to show any misplaced sympathy or otherwise. Even for issuing a direction to consider the representation, a right is to be established and in the absence of establishing any such right, no such direction can be issued under Article 226 of the Constitution of India. It is a precondition to entertain a writ proceedings that the person approaching the High Court must establish his right and its violation or infringement of any such right. It is not as if, the Courts can issue a direction to consider the representation in a routine manner and even for issuing such a direction, establishing a right is a precondition and under these circumstances, the relief as such sought for cannot be granted.

5. The learned counsel for the petitioner states that the Government has not taken any decision. It is for the petitioner to approach the Government, if they are otherwise eligible.

6. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

nti/mkn



To

1.The Secretary,
Government of Pondicherry,
Department of Revenue and Disaster Management,
Union Territory of India,
Pondicherry.

2.Deputy Collector (Revenue),
South-cum-Land Acquisition Officer,
Government of Pondicherry,
Pondicherry.

+1cc to Mr.K.Chandrasekar, Advocate, S.R.No.57400

+1cc to the Government Pleader, Pondicherry S.R.No.57720

W.P.No.11915 of 2011

NK(CO)
RVM(26/11/2021)