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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 25..06..2021

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THE HON'BLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.5453 of 2021

S.Ramachandiran  
Rep. by his Power Agent,  
S.Dayanidy,  
Son of Subburayapillai,  
Residing at No.26, Jeevanandam Street,  
Puducherry.

... Petitioner

-Versus-

- 1.Union of India,  
Rep. by its Secretary to Government (Revenue),  
Government of Puducherry,  
Puducherry.
- 2.The Deputy Collector (Revenue) (North) cum  
Land Acquisition Officer,  
Puducherry.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents to refer the petitioner's representation dated 15.02.2021 given under Section 18 of The Land Acquisition Act, 1894, given for enhancement of compensation in respect of petitioner's acquired land in R.S.No.116/2 measuring 1 Are-12 C.A (1200 Sq.ft) at Ariyankuppam revenue Village, at Puducherry within the time frame to be fixed by this court.

|                   |                                             |          |
|-------------------|---------------------------------------------|----------|
| For Petitioner    | : Mr.S.Prem Auxilian Raj                    |          |
| For Respondent(s) | : Mrs.N.Mala,<br>Government<br>(Puducherry) | Advocate |



[This matter has been heard through video conference]

3. The learned counsel for the petitioner would submit that even though the petitioner claims to have purchased the land in question 10 years prior to the initiation of land acquisition, but, necessary mutation was not carried out by the revenue authorities. Therefore, Section 4(1) Notification was issued in the name of the dead person namely, Arumugam, the vendor's vendor of the petitioner. During award enquiry also no notice was served on the petitioner. In those circumstances, the petitioner was not aware of the acquisition proceedings. Immediately after coming to know of the acquisition proceedings, he made petition in Feb, 2021 seeking for a reference under Section 18 of the Land Acquisition for enhancement of



compensation, but, it was not considered by the 2nd respondent. Therefore, the learned counsel prayed this court to direct the 2nd respondent to consider the objection petition and make a reference under Section 18 of the Land Acquisition Act to civil court having jurisdiction for enhancement of compensation.

4. Per contra, Mrs.N.Mala the learned Government Advocate (Puducherry) appearing for the respondents 1 and 2 would vehemently contend that the Award was passed in the year 2008 and whereas the objection petition for enhancement of compensation has been filed only in the month of February, 2021, i.e., nearly after the 13 years after passing of the award which is hopelessly barred by limitation and therefore, the petitioner is not entitled to seek for a reference.

5. The learned Government Advocate (Puducherry) would further submit that though the petitioner claims to have purchased the property in question way back in 1997, he had not taken any steps to mutate his name in the revenue records till land acquisition proceedings were initiated and in the absence any mutation in the revenue records, there was no occasion for the revenue authorities to issue notice to the petitioner and, therefore, the revenue authorities cannot be blamed.

6. I have considered the rival submissions carefully and also perused the records carefully.

7. From a careful perusal of the records it could be seen that the petitioner had purchased the property in question on 10.12.1997 and no mutation of revenue records were made by the revenue authorities. The land acquisition proceedings were initiated on 30.10.2007. It is not in dispute that the award was passed in the year 2008 in the name of a dead person viz., Arumugam, the vendor's vendor of the petitioner. During award enquiry also, no notice was served on the petitioner. In those circumstances, the petitioner would not have had any occasion to know about the land acquisition proceedings nor the award. Immediately on coming to know of the land acquisition proceedings and passing of the award, he made an objection petition for a reference under Section 18 of the Act on 15.02.2021. Considering the peculiar facts and circumstances of this case, no delay can be attributed to the petitioner as no opportunity was given to him through out the land acquisition proceeding. Therefore, this court is of the view that as the land acquisition proceedings were initiated against a dead person and application for reference has been made immediately after the knowledge of the award, the respondents cannot stand on technicalities and refuse to make a reference and the argument of the learned Government Advocate (Puducherry) in this regard deserves only to be rejected. The authorities are found



to refer the award under Section 18 of the Land acquisition Act to civil court having jurisdiction for enhancement of compensation. Thus, the writ petition succeeds. It is, however, made clear that this order should not taken as a precedent as it has been passed based on the peculiar facts and circumstances of the case.

In the result, the writ petition is allowed and the respondents are directed to refer the objection petition dated 15.02.2021 made by the petitioner under Section 18 of the Land Acquisition Act, 1894 to the civil court having jurisdiction for enhancement of compensation within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-  
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

kmk  
To

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

+lcc to Mr.S.Prem Auxilian Raj, Advocate Sr.29585  
+lcc to the Government Pleader Sr.29666

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