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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

W.P.Nos.12744 & 12746 of 2021
and W.M.P.Nos.13540 of 2021

1. Muthalu
2. Singaram
3. Valli
4. Mariamma

..Petitioners in W.P.No.12744/2021

Ponnammal

..Petitioner in W.P.No.12746/2021

Vs.

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

..Respondents in both the WPs

Prayer in W.P.No.12744 of 2021: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to pay interest to the petitioners in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of lands comprised in R.S.No.193/9 for an extent of 0-08-50 hectares at Pillaichavady, Pondicherry.

Prayer in W.P.No.12746 of 2021: Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Mandamus directing the respondents to pay interest to the petitioners in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of lands comprised in R.S.No.19/2B for an extent of 0-32-10 hectares at Kalapet, Pondicherry.



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For Petitioners : Ms.Usha Ramman
in both the WPs

For Respondents : Ms.G.D.Jealary,
in both the WPs Government Advocate (Pondy)

C O M M O N O R D E R

(The case has been heard through video conference)

The Writ Petitions have been filed seeking a direction directing the respondents to pay interest to the compensation awarded to the petitioners.

2. Today, when the matter was taken up for hearing, the learned counsel appearing for petitioners would submit that this Court in a batch of Writ Petitions filed by the similarly placed persons had passed a detailed order in W.P.No.6592 of 2020 and a similar order may be passed in these Writ Petitions also. The relevant portion of the order reads as follows :-

"2. The case of the petitioner 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 petitioner 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 and 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 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 petitioner, several landowners were granted interest for the enhanced compensation and the petitioner also claimed for such interest. Since the same was not considered, the present Writ Petition has been filed before this Court.



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

6. The learned Additional Government Pleader appearing on behalf of respondents submitted that the petitioner 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 petitioner 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."

3. The learned Government Advocate (Pondy) appearing for respondents also submitted that the petitioners are also similarly placed persons and similar order could be passed in these writ petitions also.

4. Considering the submissions, the petitioners are directed to submit their representations before the second respondent along with all documents and on filing such representation, the second respondent is directed to consider the same and pass suitable orders on merits and in accordance with law, after giving an opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, the Writ Petitions stand disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Revenue Department,
Government of Pondicherry,
Pondicherry.

2. Revenue Officer-cum-Land Acquisition Officer,
Central University,
Land Acquisition Wing, (Education Department),
Pondicherry.

+1cc to M/s.Usha Ramman, Advocate, S.R.No.30184

+1cc to M/s.Usha Ramman, Advocate, S.R.No.30185 [28/04/2022]

+1cc to the Government Pleader for Puducherry, S.R.No.30029

W.P.Nos.12744 & 12746 of 2021
and W.M.P.Nos.13540 of 2021

PL(CO)
RGA(22/07/2021)