

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2021

CORAM :

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Writ Petition No.10830 of 2021
and W.M.P.No.11462 of 2021

1. Mandjiny @ Manjiny
2. Souprayane

... Petitioners

-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

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of 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 108/2 Measuring an extent of 0-32-50 hectares and R.S.No.118/3 measuring an extent of 0.15-50 hectares totaling to 0.48.00 hectares at Kalapet, Pondicherry.

For Petitioners : Mrs.Usha Ramman

For Respondents : Mr.Nambiselvan
Additional Govt.Pleader (Pondy)

O R D E R

(The case has been heard through video conference)

This Writ Petition has 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 this Writ Petition. 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.

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 Additional Government Pleader appearing for respondent also submitted that the petitioners are also similarly placed persons and similar order could be passed in this Writ Petition also.

4. Considering the submissions, the petitioners are directed to submit their representations before the 2nd respondent along with all documents and on filing such representation, the 2nd respondent is directed to consider the same and pass suitable orders on merits in accordance with law after giving opportunity to the petitioners within a period of eight weeks from the date of receipt of a copy of this order. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, the connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

rpp

To

- 1.The Secretary to Government
Union of India, 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.26315
+1cc to the Government Pleader(Puducherry), S.R.No.26970

SSV(CO)
CB(01/07/2021)

W.P.No.10830 of 2021