

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2021

CORAM

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

W.P.NOS.15157 & 15160 OF 2020

Mrs.S.Vimala @ Amirthavalli

.. Petitioner in WP.No.15157 of 2020

Mr.S.Thobbai

.. Petitioner in WP.No.15160 of 2020

Vs.

1.The District Collector,
Villianur District,
Puducherry.

2.The Sub Collector(Rev) South cum
Land Acquisition Officer,
Villianur,
Puducherry.

.... Respondents in both Wps.

Prayer:-

Petitions filed under Article 226 of The Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the impugned proceedings of the second respondent made in No.616/DCRS/LA/U/2008 dated 06.03.2019 and quash the same and consequently direct the second respondent to refer the matter to civil court under Section 18(1) of the Land Acquisition Act, 1894 in respect of the petitioners' lands measuring an extent of 0-19-48 Ha, 0.04.40 Ha respectively situated in S.Nos.177/3B, 177/1B No.33, Kurumbapet Village, Villianur Commune, Puducherry with regard to the Award No.5 of 2009 dated 16.11.2009(prayer in both Wps).

For Petitioner(in both Wps) .. Mr.A.Veerasamy

For Respondents(in both Wps) .. Mr.D.Ravi Chander, AGP

COMMON ORDER

These Writ Petitions have been filed, challenging the proceedings of the second respondent dated 06.03.2019.

2. The learned Additional Government Pleader is required to file a copy of the duly served notice under Section 12(2) of the Land Acquisition Act on 22.09.2015.

3. An Award was passed in these cases and notices of passing of the Award under Section 12(2) of the Land Acquisition Act were served on the petitioners on 22.09.2015. Thereafter, the petitioners approached the Land Acquisition Authority to refer the matter to the Court under Section 18 of the Act. This was on 26.10.2015.

4. The Revenue Officer, vide his communication dated 06.11.2015 has acknowledged the receipt of the same. In spite of that, in the impugned order it is stated that the petitioners have filed the petitions after 6 months from the date of the Award.

5. Today, Mr.D.Ravi Chander, learned Additional Government Pleader appearing for the respondents has made a statement that the authorities have realized the mistake in rejecting the petitions filed for reference were not within the time, when the matters were listed on the earlier occasions. They also communicated a written correspondence dated 15.12.2020 made to this effect.

6. The said statement made by the learned Additional Government pleader is recorded.

7. In view of the same, this Court is now left with no option but except quashing the proceedings dated 6.3.2019 and in view of the decision taken by the respondents to refer the matter under Section 18 of the Land Acquisition Act to the appropriate civil Court.

8. In view of the above, nothing survives for consideration in these writ petitions and the same are closed.

9. The learned Government Advocate appearing for the respondents is also directed to serve a copy of the decision taken to the petitioners to refer the matter to the appropriate civil Court.

10. The Writ Petitions are closed accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The District Collector,
Villianur District,
Puducherry.
2. The Sub Collector(Rev) South cum
Land Acquisition Officer,
Villianur, Puducherry.

+1cc to M/s.M.Narayanaswamy, Advocate, S.R.No.8963

W.P.Nos.15157 & 15160 of 2020

AAB (CO)
CS/12/03/2021

सत्यमेव जयते

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