



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2021

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.NO.8956 OF 2017

AND

W.M.P.NO.9864 OF 2017

A.P.Hareendran

... Petitioner

-Vs-

1. The Government of Pondicherry,
Represented by Secretary (Revenue),
Pondicherry.

2. Deputy Collector (Revenue)-Cum-
Land Acquisition Officer,
Mahe.

... Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records of the Order No. 2221/DCR/LA/Fire Station/2016/86, dated 03.02.2016 passed by the second respondent and quash the same and consequently direct the second respondent to refer the dispute under Section 18 of Land Acquisition Act, 1984.

For Petitioner : Mr.K.Raja Shrinivas

For Respondents: Mrs. V.Usha

Additional Government Pleader,
Pondicherry.

ORDER

This Writ Petition has been filed to issue a writ of certiorarified mandamus, calling for the records of the Order No. 2221/DCR/LA/Fire Station/2016/86, dated 03.02.2016 passed by the second respondent and quash the same and consequently direct the second respondent to refer the dispute under Section 18 of Land Acquisition Act, 1984.

2. Heard Mr.K.Raja Shrinivas, learned counsel appearing for the petitioner and Mrs. V.Usha, learned Additional



Government Pleader, Pondicherry appearing for the respondents.

3. The case of the petitioner is that he owned a land comprised in R.S.No. 81/5 at Mahe Revenue Village. The said land was acquired by the second respondent and the award was passed on 20.03.1998 in Award No. 2 of 1998. Due to dispute between the family members of the petitioner, there was a suit in O.S.No. 102 of 1980 for partition. It was decreed on 19.08.2010 and accordingly, the petitioner was allotted 1584/26400th share in the said property. Only in the year 2015, he came to know about the acquisition proceedings and the award passed by the second respondent. Thereafter, he made objections for enhancement of the compensation amount, insofar as his share is concerned in the land comprised in R.S.No. 81/5. However, the second respondent rejected the same by an order dated 03.02.2016 impugned in this writ petition, for the reason that the award dated 20.03.1998 in Award No. 2/98, a reference was already made insofar as the land comprised in R.S.No.81/5 in L.A.O.P.No. 4 of 1998 on the file of Sub Court, Mahe and the award passed by the Land Acquisition Officer has been confirmed by the Judgment and Decree dated 01.08.2003. In fact, the said order was also confirmed by this Court in Appeal Suit. Therefore, the petitioner is not entitled for enhanced compensation and his request for reference was rejected.

4. The learned counsel for the respondent would submit that, in fact, the petitioner immediately after the award, sent his objections for reference under Section 30 of the Act and he had been added as a party to the proceedings by the third respondent and his request was considered and rejected. Therefore, he is aware about the acquisition proceedings and award, even in the year 1998 itself. Under the same award there was reference in L.A.O.P.No. 4 of 1998 and confirmed the award passed by the Acquisition Officer. Subsequently, it was also confirmed in the Appeal Suit. There was no purpose would be served for the request of the petitioner referred before the Sub Court, Mahe. Therefore, this Court finds no infirmity or illegality in the order passed by the second respondent. Hence, the Writ Petition is devoid of merits.

5. In view of the above, the writ petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Lpp/mn

Sub Assistant Registrar



To

1. The Secretary (Revenue),
The Government of Pondicherry,
Pondicherry.

2. Deputy Collector (Revenue)-Cum-
Land Acquisition Officer,
Mahe.

+1cc to Mr.K.Raja Shrinivas, Advocate, S.R.No.48968

+1cc to the Government Pleader for Puducherry S.R.No.49553

W.P.No.8956 of 2017 and
W.M.P.No. 9864 of 2017

KK (CO)
PM/28/10/2021