



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.09.2021

CORAM

THE HON'BLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.3251 of 2017

Ponugumatla Vishnumurthy

... Petitioner

Vs

1. The Chief Secretary to Government,
Chief Secretariat, Puducherry.
2. The Land Acquisition Officer,
Yanam, Union Territory of Puducherry.

... Respondents

PRAYER:- Writ Petition is filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus to direct the respondent to pay the market value of Rs.45,000/- Sq.mt. which was prevailing at the time of acquisition of property with interest to the petitioner for the property with T.S.No.B/3/71/1 which was acquired by the 2nd respondent.

For Petitioner : Mr.V.Ajayakumar

For Respondents : Mr.J.Kumaran,
Additional Government Pleader (P)

O R D E R

This writ petition is filed to issue a Writ of Mandamus to direct the respondent to pay the market value of Rs.45,000/- Sq.mt. which was prevailing at the time of acquisition of property with interest to the petitioner for the property with T.S.No.B/3/71/1 which was acquired by the 2nd respondent.

2. The case of the petitioner is that the petitioner owned land in T.S.No.B/3/71/1 and the same was acquired for widening the road of the Golagabathula Street in Yanam Region. Accordingly, the 4(1) Notification was issued on 15.02.2005 and after conducting inquiry the award was passed on 20.11.2006. Thereby, fixing the value for the petitioner's property at



Rs.1600/- per sq.mts. with 30% solatium and also awarded additional market value at 12% per annum from the date of 4(1) Notification under the Land Acquisition Act, 1894.

3. Immediately on 13.12.2006 the petitioner sent a representation thereby raising objection with the subject land valuation and sought for enhancement of compensation. The said objections was duly received by the Acquisition Officer. However, the Acquisition Officer namely the second respondent herein rejected the said request for the reason that the document which was produced by the petitioner to claim compensation was registered after the award namely on 12.12.2006, whereas the award was passed on 20.11.2006 as provided under Section 18 of the Act and that the objections raised by the land owner has to be referred before the Civil Court for determination of the value of the property.

4. The counter also revealed that on receipt of the objections raised by the petitioner, the second respondent simply rejected the request for the reason that the document which was produced by the petitioner was subsequent to the award. Under the Act, the second respondent has no power to reject the objections for enhancement of compensation and as per Section 18 of the Act the second respondent ought to have referred the matter before the Referral Court to determine the value of the land.

5. In view of the above, the second respondent is directed to refer the petitioner's objections against the award for enhancement of compensation before the referral Court within a period of two weeks from the date of receipt of a copy of this order. Before the referral Court the second respondent is at liberty to raise all the objections with regard to the sale deed produced by the petitioner.

6. With the above directions, this writ petition is allowed. No order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

rna



To

1. The Chief Secretary to Government,
Chief Secretariat, Puducherry.

2. The Land Acquisition Officer,
Yanam, Union Territory of Puducherry.

+lcc to Mr.V.Ajayakumar, Advocate, S.R.No.46280

+lcc to the Government Pleader, S.R.No.46586

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NR(CO)
CT(29/09/2021)