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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.11.2021

CORAM

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

WP.No.28453 of 2017

K.Vetrivel

... Petitioner

Vs

1.The Chief Secretary,
Government of Pondicherry,
Pondicherry.

2.The District Collector,
Villianur District,
Pondicherry.

3.The Sub Collector(Revenue),
cum Land Acquisition Officer,
Villianur District,
Pondicherry.

4.The Executive Engineer,
National Highways Department,
Public Works Department,
Pondicherry.

... Respondents

Prayer :- Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to pay the 80% of the award amount, as per the award passed on 16.11.2009, as contemplated under Section 17(3A) of the Land Acquisition Act, to the petitioner within a time frame.

For Petitioner : Mr.B.Balavijayan

For Respondents : Mr.C.T.Ramesh,
Additional Government Pleader
(Puducherry)



ORDER

WEB COPY This writ petition has been filed for direction directing the respondents to pay the 80% of the award amount, as per the award passed on 16.11.2009, as contemplated under Section 17(3A) of the Land Acquisition Act, to the petitioner.

2.The petitioner owned land comprised in resurvey No.65/4, cadaster No.256/1/2, 255/2/3/1/2, 255/1/2, 255/2/3/1/2, 255 1/3, which was purchased from one, Rangarajan S/o Thangavel in the year 1993 registered vide document No.1837 of 1993 before the Sub Registrar, Villianur, Pondicherry. To ease heavy traffic congestion from Pondy to Villupuram Highway, more particularly between Pondichery and Villupuram, the Government of Pondicherry proposed to lay bye pass road and proposed to acquire the land for the said project. The said proposal was brought to effect in the year 2004. The total extent of the land proposed to be acquired for the said purpose was around 11 hectares. The subject land covers under the acquisition process. The respondents on 26.02.2004 had initiated acquisition proceedings under Section 17 of the Land Acquisition Act, 1894. After acquiring the land, award was passed on 16.11.2009. Though the land was acquired under the urgency clause, the petitioner was not paid any compensation. The petitioner filed this writ petition for direction directing the respondents to pay atleast 80% of the award amount as per the award dated 16.11.2009.

3. On perusal of the award dated 16.11.2009, in respect of property comprised in survey 65/4B correlates to cad.Nos.255/2/3, 256/1/2/1/2 & 255/1/3 stands registered in the name, Rangaraj Naicker S/o.Thangavel Naicker i.e. in the revenue records i.e. vendor of the petitioner herein. Since neither the land owner nor any interested person appeared for the award enquiry, the award amount may be deposited in the civil court as contemplated under Section 31(2) of the Land Acquisition Act with reference to Section 30 of the Act for deciding the rightful ownership of the land and apportionment of the awarded amount.

4. According to the petitioner, he is being the purchaser of the said property from the said Rangaraj Naicker, he was not served with any notice and even till today, the amount has not been deposited by the third respondent before the civil court or any revenue deposit.



5. Considering the same, the third respondent is directed to deposit the award amount as per the award dated 16.11.2009 within a period of four weeks from the date of receipt of copy of this order, if not already deposited. On such deposit, the petitioner is at liberty to make application before the court concerned for disbursement of the award amount.

6. With the above direction, this writ petition is disposed of. No order as to costs.

SD/-
ASSISTANT REGISTRAR

// TRUE COPY //

SUB ASSISTANT REGISTRAR

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To

1. The Chief Secretary,
Government of Pondicherry,
Pondicherry.
2. The District Collector,
Villianur District,
Pondicherry.
3. The Sub Collector (Revenue),
cum Land Acquisition Officer,
Villianur District,
Pondicherry.
4. The Executive Engineer,
National Highways Department,
Public Works Department,
Pondicherry.

+1cc to the Government Pleader Sr.60481

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srg 03/12/2021