



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.10381 of 2022

A.Senathipathy

... Petitioner

Vs.

1. The Deputy Collector,
Office of the Deputy Collector (Revenue)
Cum - Land Acquisition Officer,
Karaikkal, Pondicherry UT.
2. The Commissioner,
Hindu Religious Institutions,
Puducherry UT.
3. The Executive Officer Temples,
Sri Parvatheeswarar Koil Devasthanam,
South Street, Karaikovil pathu,
Karaikal District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to pay petitioner proportionate share in the total compensation in the acquired land in RS.No.22/1/2, 24/2/2, 22/3/3, 22/3/4 and 22/5 to the total extent of 01h- 48 Ares 96 ca. vide section 4(1) of Land Acquisition Act 1894, under Gazette of Puducherry, Gazette notification dated 05.10.2010.

For petitioner : Mr.K.R.Gunashekar
For Respondents : Mr.J.Kumaran (Pudhucherry)
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking direction to the first respondent to pay petitioner proportionate share in the total compensation in the acquired land in RS.No.22/1/2, 24/2/2, 22/3/3, 22/3/4 and 22/5 to the total extent of 01h- 48 Ares 96 ca. vide section 4(1) of Land Acquisition Act 1894, under Gazette of Puducherry, Gazette notification dated 05.10.2010.



2. Mr.J.Kumaran, learned Additional Government Pleader takes notice for the respondents 1 & 2. In view of the limited relief sought for in this petition and on the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.

3.Since, no adverse order is being passed against the third respondent, notice to the third respondent is dispensed with.

4. The case of the petitioner is that the disputed land comprised in RS.No.22/1/2, 24/2/2, 22/3/3, 22/3/4 and 22/5, measuring an extent of 1 hectare 48 ares 96 centiares, situated at Ward D, Block No.3, Kovilpathu Revenue village belongs to Sri Parvatheeswarar Devasthanam, Kovilpathu, Karaikal. However, in that land petitioner constructed a super structure. Thereafter, the said land was acquired for establishment of hospital. However, the share of the compensation amount of the structure was not paid to the petitioner. However, the entire compensation amount was paid to the said Temple. Hence, the petitioner made a representation dated 14.12.2020 and 18.07.2021 before the first respondent seeking for compensation for the land acquired and super structure. However, the acquisition authority by order dated 25.11.2021 issued direction to the petitioner to receive the share of the compensation from the Temple Authorities. Hence, the present Writ Petition has been filed by the petitioner for the above relief.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court permits the petitioner to make appropriate representation before the Temple Authorities for claiming compensation amount for super structure.

6. The learned Additional Government Pleader appearing for the respondents submits that the acquisition authority paid the entire compensation amount to the second respondent and the second respondent may be directed to pay the share of compensation amount to the petitioner.

7. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, permits the petitioner to make appropriate representation before the Temple Authorities within a period of two weeks from the date of receipt of a copy of this order, if such a representation is made by the petitioner, the Temple Authorities are directed to pass appropriate orders within a period of Six weeks from the date of receipt of the representation made by the petitioner.



8. Accordingly, this writ petition is disposed of with the aforesaid direction. No costs.

Sd/-
Assistant Registrar

True Copy//

Sub Assistant Registrar

tri

To

1. The Deputy Collector,
Office of the Deputy Collector (Revenue)
Cum - Land Acquisition Officer,
Karaikkal, Pondicherry UT.
2. The Commissioner,
Hindu Religious Institutions,
Puducherry UT.
3. The Executive Officer Temples,
Sri Parvatheeswarar Koil Devasthanam,
South Street, Karaikovil pathu,
Karaikal District.

+1cc to Mr.K.R.Gunashekar, Advocate, S.R.No.29248
+1cc to the Government Pleader, S.R.No.29839

W.P.No.10381 of 2022

SSD[co]
NSK/31/05/2022