



WEB COPY



Writ Petition No.28189 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

Dated: 31/10/2022

**C O R A M**

**THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**

**Writ Petition No.28189 of 2016**

**a n d**

**W.M.P.No.24324 of 2016**

R. Dhakshnamoorthy

...

Petitioner

Vs

1. The District Collector  
Villianur District  
Puducherry.

2. The Sub-Collector (Revenue)-cum-  
Land Acquisition Officer  
Villianur  
Puducherry.

3. The Executive Engineer  
National Highways Division  
Public Works Department  
Puducherry.

4. The Government of Pondicherry  
Puducherry.

...

Respondents

**PRAYER :** Petition filed under Article 226 of the Constitution of India  
praying for the issuance of a writ of mandamus to forbear the respondents



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from interfering with the possession of the petitioner in respect to the property situate at R.S.No.66/1, Villianur Commune Panchayat, Othiampet Revenue Village, without recourse to due process of law.

|                 |     |                                                        |
|-----------------|-----|--------------------------------------------------------|
| For petitioner  | ... | Mr.Sunny Sheen<br>for Mr.V.Raghavachari                |
| For respondents | ... | Mrs.V.Usha<br>Additional Government Pleader<br>(Pondy) |

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**ORDER**

This writ petition has been filed to direct the respondents not to interfere with the possession of the petitioner in respect to the property situate in R.S.No.66/1 Villianur Commune Panchayat, Othiampet Revenue Village.

2. Heard Mr.Sunny Sheen, learned counsel for the petitioner and Mrs.V.Usha, learned Additional Government Pleader (Pondicherry) for the respondents.

3. Learned counsel appearing for the petitioner submitted that Notification was said to be issued in the year 2006 and award was passed in



the year 2009. The respondents having slept over for more than 10 years, now illegally attempted to trespass into the property and demanding the petitioner to handover possession.

4. The learned counsel appearing for the second respondent submitted that land Acquisition Officer issued 12 (2) notice and lands were taken possession on 22/2/2016 from the land owners/interested persons, including the land at R.S.No.66/1B. The lands which were taken possession were handed over to the Requisition Department, viz., the National Highways Division, Public Works Department, Puducherry, on the same day, i.e., on 22/2/2016.

5. He would further submit that as per Award No.5 of 2009, dated 16/11/2009, land Acquisition Officer has ordered to deposit the compensation amount under Section 31 (2) in respect of land situate at R.S.No.66/1B to an extent of 00-15-61 HAC amounting to Rs.4,74,081/- in Civil Court to decide the rightful ownership and apportionment of compensation.



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6. The learned counsel appearing for the respondent further submitted that since notice has been served on the petitioner, they are not entitled to approach the Civil Court for compensation purpose.

7. In such a view of the matter, respondents are directed to issue notice to the petitioner intimating the deposit before the Civil Court, enabling him to approach the Civil Court for realisation of the amount. On such petition being filed, the Civil Court, shall release the amount to the petitioner.

8. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

31/10/2022

Index : Yes / No  
Internet: Yes  
Speaking/non speaking order

mvs.

To



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**N. SATHISH KUMAR, J**

mvs.

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