



WEB COPY



W.P.No.7402 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.7402 of 2014

1.Welfare Association of Land Owners
and House Owners of Indira Nagar Extn,
Rajiv Nagar of Thattanchavady village, Pondicherry,
Rep through its President,
R.Thiyagarajan

2.R.Vaithiyalingam

3.R.Sakthivel

4.R.Thiyagarajan

5.T.Latha

6.G.Manjula

7.Smitha Rajesh

8.P.P.Jeyaraj

9.Shibarani

10.S.Jayashri

(P2 & P10 are impleaded as petitioners as per order dated 19.09.2022 by
MDIJ in W.M.P.No.21594 of 2022)

... Petitioners

Vs.

1.The Government of Puducherry,
Rep. by its Secretary,

Page No.1 of 8



W.P.No.7402 of 2014

Revenue and Disaster Management Department,
Puducherry.

WEB COPY

2.The Deputy Collector (Revenue) cum
Land Acquisition Officer (North),
Puducherry.

3.The Chief Executive Engineer,
Buildings and Roads (Central) Division,
Public Works Department,
Puducherry.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari calling for the records of the 1st respondent's notification in G.O.Ms.No.65 dated 17.08.2006 under section 4(1) of the Land Acquisition Act published in the Gazette No.35 on 29.08.2006 for the acquisition of properties in survey No.79/1B, 79/3B, 79/4B, 79/5B, 80/1B, 80/2B, 80/3B, 81/2H/2, 81/3B, 85/1A/1A/10/B, 85/1A/1A/10/D, 85/1A/1A/10/F, 85/1A/1A/10/H, 85/1A/1A/13/B, 85/1A/1A/14/B, 85/1A/1A/15/B, 85/1A/1A/16, 85/1A/1A/17/B, 85/1A/1B/2, 85/1A/1D/2, 85/1A/1E/1B, 85/1A/1F/2, 85/1A/1F/2B, 85/1A/1H/2, and 85/4B and consequential first respondent's declaration in G.O.Ms.No.81 dated 10.09.2007 made under Section 6(1) of the Land Acquisition Act published in the Gazette No.40 on 02.10.2007 and consequent the 2nd respondent's award in No.620/DCR(N)/LA/N/2003, Puducherry, the award No.1 of 2010 dated 17.03.2010 and quash the entire Land Acquisition proceedings as violations of Sections 4, 5-A, 6 and 11A of Land Acquisition



W.P.No.7402 of 2014

WEB COPY

For Petitioners : Mr.V.Raghavachari
for Mr.A.Haja Mohideen

For Respondents : Mr.J.Kumaran
Additional Government Pleader
Puducherry

ORDER

This writ petition has been filed seeking for issuance of Writ of Certiorari calling for the records of the 1st respondent's notification in G.O.Ms.No.65 dated 17.08.2006 under section 4(1) of the Land Acquisition Act published in the Gazette No.35 on 29.08.2006 for the acquisition of properties in survey No. 79/1B, 79/3B, 79/4B, 79/5B, 80/1B, 80/2B, 80/3B, 81/2H/2, 81/3B, 85/1A/1A/10/B, 85/1A/1A/10/D, 85/1A/1A/10/F, 85/1A/1A/10/H, 85/1A/1A/13/B, 85/1A/1A/14/B, 85/1A/1A/15/B, 85/1A/1A/16, 85/1A/1A/17/B, 85/1A/1B/2, 85/1A/1D/2, 85/1A/1E/1B, 85/1A/1F/2, 85/1A/1F/2B, 85/1A/1H/2 and consequential first respondent's declaration in G.O.Ms.No.81 dated 10.09.2007 made under Section 6(1) of the Land Acquisition Act published in the Gazette No.40 on 02.10.2007 and



W.P.No.7402 of 2014

consequent the 2nd respondent's award in No.620/DCR(N)/LA/N/2003, Puducherry, the award No.1 of 2010 dated 17.03.2010 and quash the entire Land Acquisition proceedings as violations of Sections 4, 5-A, 6 and 11A of Land Acquisition Act.

2. It is the case of the first petitioner Association that the petitioners 2 to 10 are land owners and house owners of Indira Nagar Extention, Rajiv Nagar of Thattanchavady Village, Pondicherry. This being so, the respondents decided to acquire the property in R.S.No.77/4 in Thattanchavadi Revenue Village and Oulgaret Revenue Village for the purpose of forming link road to connect Tindivanam Road in Jipmer and Villianur Road through RC Valudavur Road. This being so, the lands of the petitioners were acquired for the purpose of laying roads and notification under Section 4(1) of the Land Acquisition Act was issued by the first respondent vide G.O.Ms.No.65 dated 17.08.2016, however, the names of the petitioners were not mentioned in the said notification. Thereafter, 6(1) notification was issued vide G.O.Ms.No.81 dated 10.09.2007 and the same was published in Government Gazette No.40 on 02.10.2007 and



W.P.No.7402 of 2014

subsequently, the award was passed on 17.03.2010. Challenging the acquisition proceedings, petitioners have filed this writ petition seeking for the aforesaid relief.

3. Learned counsel for the petitioners would submit that though the 4 (1) notification was issued on 17.08.2006, the award was passed only on 17.03.2010, which is after a lapse of 2 years from the date of publication of declaration under section 6 (1) of the Act. Accordingly, the entire acquisition is lapsed, since the proceeding under the Land Acquisition Act was not followed. Therefore, the learned counsel prayed for allowing the present writ petition.

4. Learned Additional Government Pleader appearing for the respondents would submit that the petitioner association is not an interested person and they are not entitled to challenge the acquisition proceeding. Accordingly, he prayed for dismissing this writ petition.

5. Heard the learned counsel on either side and perused the materials



W.P.No.7402 of 2014

placed on record.

WEB COPY

6. The facts in the present case is not in dispute. Admittedly, the petitioners 2 to 10 lands were acquired for the purpose of laying connection roads and a notification under section 4 (1) of the Land Acquisition Act was issued on 17.08.2006 and 6 (1) declaration was issued on 10.09.2007. Moreover, the award was also passed in terms of Section 11 of Act on 17.03.2010. Since the award has made on 17.03.2010, which is after a lapse of two years from the date of last date of publication of 6 (1) declaration, the entire proceedings of land acquisition is lapsed in terms of the Section 11 (A) of the land acquisition Act.

7. In view of the above, this writ petition is allowed. No costs.

19.09.2022

vm

Index : Yes/No

Speaking Order : Yes/No

To:

Page No.6 of 8



W.P.No.7402 of 2014

- 1.The Government of Puducherry,
Rep. by its Secretary,
Revenue and Disaster Management Department,
Puducherry.
- 2.The Deputy Collector (Revenue) cum
Land Acquisition Officer (North),
Puducherry.
- 3.The Chief Executive Engineer,
Buildings and Roads (Central) Division,
Public Works Department,
Puducherry.

M.DHANDAPANI,J.

vm



WEB COPY



W.P.No.7402 of 2014

W.P.No.7402 of 2014

19.09.2022

Page No.8 of 8