



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.06.2022

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.29262 of 2014

J.Ganessin

... Petitioner

Vs.

1. The Chief Engineer,
Public Works Department
Puducherry-1.

2. The Superintendent Engineer,
Circle-II,
Public Works Department,
Puducherry-1.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, direction to the respondents to take initiate action as the Public Works Department Puducherry for occupied and installed borewell of petitioner land as The Pondicherry State, Puducherry, Pudupalayam, Revenue Village-37, Puducherry Municipal Limit, Ward-G; Block-8 Cadastre No.232-1/2 and 232-2/2 comprised Town Survey No.50 extens:00:00.70 Centiares of vacant land situated at Raja Rajan Street, Raja Nagar, Saram Post, Puducherry-13 and to pay compensation to the petitioner and his Family members.

For Petitioner : No appearance
For Respondents : No appearance

O R D E R

None appeared on behalf of the petitioner as well as the respondents and the writ petition has been filed in the year 2014. Considering the pendency of the writ petition, this Court is inclined to dispose of the writ petition based on the available records.



2. This Writ Petition has been filed seeking a direction to the respondents to take action as the Public Works Department, Puducherry for occupied and installed bore well of petitioner land as The Pondicherry State, Puducherry, Pudupalayam, Revenue Village-37, Puducherry Municipal Limit, Ward-G; Block-8 Cadastre No.232-1/2 and 232-2/2 comprised Town Survey No.50 extens:00:00.70 Centiares of vacant land situated at Raja Rajan Street, Raja Nagar, Saram Post, Puducherry-13 and to pay compensation to the petitioner and his Family members.

3. The case of the petitioner is that the petitioner's father was the owner of the property situated at Puducherry State, Pudupalayam Village. During his life time, the petitioner's father executed a Will dated 03.05.2008 in favour of the petitioner. After death of the petitioner's father, when the petitioner was inspected the properties, he came to know that the respondents had installed the bore well in his property. Therefore, the petitioner made a representation before the second respondent seeking for removal of bore well on 19.02.2010. The second respondent conducted enquiry on 10.06.2010 and passed an order stating that 'Action may be taken by the PIO, PHD to give compensation for the occupied areas by this Department after getting sanction from the competent authorities subject to verification of the owner ship of the land and ascertaining the extent of the areas occupied by the department'. The petitioner has produced all the relevant documents in this regard. But second respondent has not paid the compensation to the petitioner and hence, the petitioner made another representation on 07.08.2014 to the first respondent. Till date, the respondents have not taken any steps regarding compensation and hence, the present writ petition has been filed.

4. The respondents have filed a counter affidavit and the relevant paragraph is extracted hereunder:

' 5. I respectfully submit that even in that order it is stated that payment of compensation will be subject to verification of ownership. The fact being so, the petitioner cannot claim as if the second respondent has passed order for payment of compensation. First of all, the petitioner has to prove his title and enjoyment over the subject property failing which, he is not entitled for any relief as claimed in the writ petition.

6. I respectfully submit that the petitioner has not produced any satisfactory revenue documents of title documents to prove his title and enjoyment over the subject property. Hence, the writ petition is liable to be dismissed. The contra allegation made in the affidavit are denied specifically.'



5. Considering the facts and circumstances of the case and in view of the limited relief sought for by the petitioner, this Court directs the petitioner to produce all the relevant records with regard to the right over the subject property to the respondents within a period of four weeks from the date of receipt of a copy of this order. After verifying the records and rights over the property, the respondents shall implement the order dated 10.06.2010, within a period of twelve weeks, thereafter.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

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To

1. The Chief Engineer,
Public Works Department
Puducherry-1.
2. The Superintendent Engineer,
Circle-II,
Public Works Department,
Puducherry-1.

W.P.No.29262 of 2014

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NSK/30/06/2022