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W.P.No.1846 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.1846 of 2023

S.Ramalingam

... Petitioner

Versus

1. The Secretary to the Government,
Education Department Union Territory
of Puducherry, Puducherry.

2. The Director,
School Education Department,
P.K.C. Building,
100ft. Road, Anna Nagar,
Puducherry.

3. The Revenue Officer cum Land Acquisition,
Directorate of School Education,
Puducherry Government, Puducherry.

4. The Registrar,
Pondicherry Central University,
R.V. Nagar, Kalapet,
Puducherry - 605 014.

5. The Chairman
Dr. K.M.Cherien Educational Society,
No. 12, Selva Mansion,
Goubert Avenue,
Puducherry - 1.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, direct the respondents 1 to 3 to allot the lands situated at S.No. 64/3 and 66/3 Kalapeth Village to the Petitioner who is the Ex-owner of the aforementioned lands after the expiry of Licensing agreement between the Government of Puducherry and the 5th respondent.

For Petitioner : Mr.V.Lakshmi Narayanan

For Respondent : Mr.N.Senthil Selvi, GA

ORDER

This writ petition has been filed seeking a direction to the respondents 1 to 3 to allot the lands situated at S.No. 64/3 and 66/3 Kalapeth Village to the Petitioner who is the Ex-owner of the aforementioned lands after the expiry of Licensing agreement between the Government of Puducherry and the 5th respondent.

2. Mr. Tamilvanan, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 3.

3. It is the case of the petitioner that the petitioner is the absolute owner of



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the land in S.No.64/3 and 66/3 situated at Kalapet Village. The Government of Puducherry had intended to acquire the lands for setting up the Pondicherry University, for which, Section 4 Notification was published in the year 1986 and 6th declaration was published in the year 1987 and the Government has acquired the land by invoking an urgency clause under Section 17 of the Land Acquisition Act for setting up Pondicherry University. However, the Government has not set up the University in the acquired lands. Accordingly, the Government has entered into an agreement with the 5th respondent for lease of lands, period which is bound to expire in the year 2023. As the petitioner is the ex-owner and he is also willing to establish his institution in the said land. Hence, the present petition.

4. It is the contention of the petitioner that similarly situated persons have already filed a writ petition before this Court in W.P.No.34518 of 2018 and this Court, vide its order dated 04.07.2022, has directed the respondents therein to consider the petitioners' representation for release of the land from the proceeding under the ex-owners quota. The learned counsel prays that this Court may also pass the similar order in this case and the petitioner is also willing to give a fresh representation in this regard.



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5. Though the larger relief sought for, this Court directs the petitioner to make a fresh representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. Upon receipt of such representation, the respondents shall consider and pass orders on merits and in accordance with law on the petitioner's representation within a period of twelve weeks, thereafter.

6. With the above directions, the writ petition is disposed of. No costs.

27.01.2023

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To

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