



Writ Petition No.4494 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.4494 of 2023

A.Baby @ Vasugi

... Petitioner

-Vs-

1. The Chief Secretary,
Government of Puducherry,
Puducherry.
2. The District Collector-Cum-Chairman of
Tirunallar Temple Development Scheme,
Karaikkal District, Puducherry State.
3. The Deputy Collector (Revenue) cum
Land Acquisition Officer,
Karaikkal District, Puducherry State.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 04.01.2023 and for payment of the Award amount passed in LAOP No.48 of 2017 by the District Court, Karaikkal within a time frame as may be fixed by this Court.



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For Petitioner : Mr. L.Chandrakumar
For Respondents : Mr.P.S.Kothandaraman
Government Advocate
[Puducherry]

ORDER

The prayer sought for herein is for a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 04.01.2023 and for payment of the Award amount passed in LAOP No.48 of 2017 by the District Court, Karaikkal within a time frame as may be fixed by this Court.

2. It is the case of the petitioner that the petitioner's land has already been acquired by the respondent Government for public purpose, thereafter, compensation was awarded, not satisfied with the same, at the instance of the petitioner reference has been made to the concerned Court, where it has been numbered as LAOP No.48 of 2017, which was decided by the concerned Court on 12.12.2019, whereby there was an enhanced compensation.



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3. Despite this order was passed enhancing the compensation payable to the petitioner some time in 2019, the enhanced compensation has not been paid so far. Therefore, in order to seek a direction from this Court after giving a representation on 04.01.2023 to that extent, the petitioner has moved the present writ petition with the aforesaid prayer.

4. Reiterating the same, learned counsel appearing for the petitioner has submitted that, from 2019 onwards the enhanced compensation since has not been paid, a representation has been given lastly on 04.01.2023, despite that nothing has been moved, therefore, a direction by way of mandamus can be issued to the respondents to pay the enhanced compensation at an early date.

5. Heard Mr.P.S.Kothandaram, learned Government Advocate[Puducherry] appearing for the respondents, who relied upon a communication dated 18.08.2022 issued by the third respondent to the Director, Tourism Department, Puducherry, who is the requisition Authority to sanction the enhanced compensation payable to the petitioner at an early date.



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6. Therefore, the learned Government Advocate would submit that, soon the said request made by the third respondent would be considered and decided by the Government and once it is sanctioned, the same would be paid to the petitioner without further any delay, he contended.

7. I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

8. Since the enhanced compensation was passed in LAOP No.48 of 2017 in the year 2019 i.e., on 12.12.2019 and three full years have gone, despite that, the enhanced amount has not been paid, hence for the delay on the part of the respondents, they have to pay the enhanced compensation with interest also. Therefore, causing much delay, would no way help the respondents and hence early disbursal of the said amount to the petitioner is appreciable.

9. In that view of the matter, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the first respondent to look into



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the matter with regard to the claim made by the third respondent for sanctioning the amount to the requisition authority viz., Tourism Department of Puducherry for paying the enhanced compensation to the petitioner and other land owners.

- ◆ On considering the same, earlier sanction of the same shall be ensured to be made by the first respondent on behalf of the respondent Government within a period of four(4) weeks from the date of receipt of a copy of this order and one such sanction is made, the third respondent shall disburse the amount payable to the petitioner thereafter within two (2) weeks period.

With these directions, this writ petition is disposed of. No costs.

22.02.2023

Index : Yes/No
Speaking order: Yes/No
Neutral Citation: Yes/No
mp



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R. SURESH KUMAR, J.

mp

To

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