



W.P.No.8711 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2023

CORAM :

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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K.Selvarasu

.. Petitioner

Vs

- 1 Union of India
rep by the Chief Secretary to Government
Chief Secretariat, Puducherry - 605 001.
- 2 The Secretary to Government (Revenue)
Chief Secretariat, Puducherry - 605 001.
- 3 The District Collector Puducherry
District Collector Office, Vazhudavoor Road
Thilagar Nagar, Puducherry - 605009.
- 4 The Managing Director
Pondicherry Industrial Promotion and
Development Corporation Ltd
Puducherry - 605 001.
- 5 The Deputy Collector (Revenue)-
South - Cum Land Acquisition Officer
(Special Economic Zone), Villianur
Puducherry - 605 110.



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6 The Sub Collector (Revenue)
South- Cum- Estate Officer
O/o.Deputy Collector Revenue South
Puducherry - 605 110.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus forbearing the 5th respondent from evicting the Petitioner from his house at Survey No.37/4, Karasur Village on the basis of the Notice No.5218/DCRS/B2/Encr/2022, dated 19.09.2022 issued by the 6th respondent and consider the petitioners representation dated 07.03.2023.

For the Petitioner : Mr.M.Gnanasekar

For the Respondents : Mr.V.Vasanthakumar
Addl Government Pleader
(Puducherry)
for respondents 1,3 & 5

: Mr.D.Ravichander
Standing Counsel
for 4th respondent

ORDER

(Order of the court was made by the Hon'ble Acting Chief Justice)

This writ petition has been filed by the petitioner for issuance of a writ of mandamus forbearing the fifth respondent from evicting the petitioner from his house in Survey No.37/4, Karasur Village on



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the basis of the notice dated 19.09.2022 issued by the sixth respondent and to consider the representation of the petitioner dated 07.03.2023.

2. Learned counsel for the petitioner submitted that the land in Survey No.37/4 situated at Karasur Village belongs to petitioner's family and they have been living ancestrally for generations. The petitioner's mother had executed a settlement deed on 28.04.2003 in respect of the property in question in favour of the petitioner. Though in the year 2007 the respondent authorities initiated acquisition proceedings for the purpose of setting up of the Special Economic Zone in Sedarapet and Karasur Revenue Villages, so far no Special Economic Zone was set up. While so, on 19.09.2022, the fifth respondent has issued notice under Section 5-A(2) of the Public Premises (Eviction of Unauthorized Occupants) Act, 1971 [for short, "*the Act of 1971*"] calling upon the petitioner to vacate and handover the possession of the land in question.

3. Learned counsel for the petitioner would submit that after



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coming to know that there was a move to acquire the lands in Survey No.37/4, the petitioner's parents gave a representation on 02.1.2017. Since no action was taken on the said representation, on 24.03.2008, the petitioner has submitted another representation requesting the authorities to exclude his property from the purview of the acquisition proceedings. Since there was no response, on 07.03.2023, the petitioner submitted a detailed representation to the respondent authorities requesting to exclude the land in Survey No.37/4 from the purview of the acquisition proceedings. Since the property in question is a private property purchased by the mother of the petitioner in the year 1980, the same is required to be excluded from the acquisition proceedings, he pleaded.

4. On a perusal of the notice dated 19.09.2022 issued by the fifth respondent, it is seen that the same has been issued under the Act of 1971. If the petitioner is aggrieved by the issuance of the notice dated 19.09.2022, the remedy lies elsewhere. In other words, the petitioner has got an effective alternate remedy of appeal under Section 9 of the Act of 1971 before the competent authority.



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When the petitioner has got an efficacious statutory appeal remedy before the competent authority, the invocation of extraordinary jurisdiction of this Court under Article 226 of the Constitution of India is not permissible.

5. The writ petition fails and the same is dismissed. There will be no order as to costs. Consequently, W.M.P.No.8899 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
21.03.2023

Index : Yes/No
Neutral Citation : Yes/No
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