



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19761 of 2023

and

W.M.P.No.19043 of 2023

S.Selvaganapathy

... Petitioner

Vs.

1.Union of India,

Represented by Government of Puducherry

Through The Chief Secretary,

Chief Secretariat,

U.T. of Puducherry.

2.The Authority,

Constituted under Section 51 of Right to Fair

Compensation and Transparency in Land Acquisition,

Rehabilitation and Resettlement Act, 2013,

U.T. of Puducherry.

3.The Deputy Collector (Revenue) South,

Cum Land Acquisition Officer,

Villianur, U.T. of Puducherry.

4.The Director,

Adi Dravidar Welfare Department,

U.T. of Puducherry.

5.The Commissioner,

Nettapakkam Commune Panchayat,

Nettapakkam, Puducherry.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order of the 3rd respondent in No.715/DCRS/ LA / B5 / 2023 / 1371 dated 19.06.2023 rejecting the claim of the Petitioner for exchange of lands as highly illegal and without authority and consequentially direct the 3rd respondent to make a reference to the 2nd respondent under Section 64 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner	: Mr.K.S.Ilangovan For M/s.Achari and Antoni
For Respondents	: Mr.J.Kumaran Additional Government Pleader [Puducherry]

ORDER

The order impugned dated 19.06.2023 passed by the Land Acquisition Officer is under challenge in the present writ petition.

2. It is not in dispute that the land belonged to the petitioner was acquired for establishing a new road.



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3. The grievance of the petitioner is that major portion of his lands were acquired and the left portion is of no use for him and therefore, he made a request that for the benefit of the public, the said land also may be acquired and the compensation will be settled.

4. The policy decision regarding such projects cannot be interfered with by the High Court in writ proceedings. It is for the Planning Authority to design the road and accordingly, execute the same in the manner known to law. Therefore, the request of the petitioner to make changes cannot be done through writ proceedings. If at all the authorities are of the opinion that the other portion of the land belonging to the petitioner is required for expansion or for any other public purposes, then they are at liberty to do so. However, High Court cannot issue any direction by interfering with the project, which has already been planned and designed. Thus, the petitioner is at liberty to approach the authorities in this regard. Accordingly, this Court do not find any infirmity in respect of the orders passed.



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5. With this liberty, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

To

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