



WEB COPY

W.P. No.28808 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.28808 of 2014

and

M.P. No.2 of 2014

M/s.Muslim Educational Society, Karaikal
Rep. by its Secretary
Mr.K.E.M.I. Kwaja Mohiadeen
No.87, Masthan Palli Street,
Karaikal - 609 602

... Petitioner

Vs.

1. The Government of Puducherry
Rep. by its Special Secretary
Department of Revenue and Disaster Management
505, Revenue Complex, Kamaraj Salai, Saram
Puducherry - 605 01
2. The Collector
District Collectorate
Karaikal District, Karaikal - 609 602
3. The Land Acquisition Officer
cum Deputy Collector (Revenue)
Office of the Deputy Collector
Karaikal - 609602

... Respondents



Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of writ of Certiorarified Mandamus to call for the records of the 1st respondent culminated in G.O.Ms.No.36, Department of Revenue and Disaster Management dated 05.10.2010 in the Gazette of Puducherry and the consequent G.O.Ms.No.62, Department of Revenue and Disaster Management dated 02.03.2011 in the Gazette of Puducherry, in so far as the schedule mentioned property and quash the entire acquisition proceedings.

Schedule: All that parcel of land comprised in Survey No.4/5/2 at Koilpathu Village, Puducherry measuring an extent of 2Ares 24 centiares and situated within the office of the Sub Registrar, Karaikal and Registration District of Puducherry.

For Petitioner : Mr.K.M.Aasim Shehzad
for M/s.BFS Legal

For Respondents : Mr.Ramaswamy Meyyappan
Government Advocate (Pondicherry)

ORDER

This Writ Petition is filed seeking a writ of Certiorarified Mandamus to call for the records of the 1st respondent culminated in G.O.Ms.No.36, Department of Revenue and Disaster Management dated 05.10.2010 in the Gazette of Puducherry and the consequent G.O.Ms.No.62, Department of Revenue and Disaster Management dated 02.03.2011 in the



Gazette of Puducherry, in so far as the schedule mentioned property and quash the entire acquisition proceedings.

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2. The main contention of the petitioner is that the acquisition notification was issued on 02.03.2011 and within two years from the date of publication of acquisition proceedings, the Award ought to have been passed, but in this case, the Award was passed after lapse of two years on 25.09.2013 and therefore, the notification in G.O.Ms.No.36, Department of Revenue and Disaster Management dated 05.10.2010 in the Gazette of Puducherry and the consequent G.O.Ms.No.62, Department of Revenue and Disaster Management dated 02.03.2011 in the Gazette of Puducherry, have to be quashed. He also placed reliance on the decision of this Court in W.P.No.33245 of 2013 (Mohamed Sultan Maraicar Vs. The Special Secretary, Government of Puducherry, Department of Revenue and Disaster Management and Ors.), dated 19.07.2016. However, in that case, no notice was issued to the land owner and no opportunity of personal hearing was given and on that ground, the Court quashed the acquisition proceedings, whereas in this case, notice was issued to the petitioner and the petitioner has also participated. The only grievance of the petitioner is that the award was not passed within two years from the date of notification.



3. Mr.Ramaswamy Meyyappan, learned Government Advocate (Pondicherry), appearing for the respondents submitted that even during pendency of the writ petition, the petitioner accepted to receive money and by letter dated 25.11.2023, they have expressed their internal dispute between the petitioner/Society and the Waqf Board and based on the said letter, the authorities calculated compensation under the New Act and also deposited the compensation amount and the copy of the challan is also annexed.

4. Once the petitioner accepted to receive the compensation and based on which, the authorities have also deposited the amount, the relief sought for in the writ petition became infructuous.

5. Accordingly, the Writ Petition is dismissed as having become infructuous. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

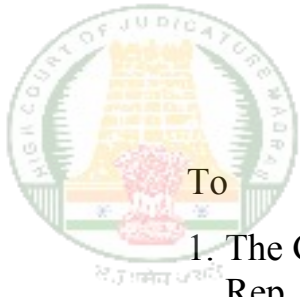
19.10.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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