



WEB COPY

W.P. Nos.31820 and 31823 of 2023



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2023

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. Nos.31820 and 31823 of 2023

C.Suresh ... Petitioner in W.P. No.31820 of 2023

C.Baskaran ... Petitioner in W.P.No.31823 of 2023

Vs.

1. The Collector
Villianur District
Pondicherry
2. The Sub Collector (Revenue) Cum
Land Acquisition Officer,
Villianur District
Pondicherry
3. The Executive Engineer
National Highways Department
Public Works Department
Pondicherry
4. The Government of Pondicherry
Rep. by The Secretary to Government
Public Works Department
Puducherry

... Respondents

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of declaration declaring the non payment of compensation for the majority lands acquired by the respondents as per the



award No.5 of 2009 dated 16.11.2009 as violative of the proviso to Section 24(2) of the Right to Fair Compensation and Transparency in land acquisition rehabilitation and resettlement Act 2013 and consequentially direct the respondents to pay compensation to the petitioner's land in R.S.No.66/1, Odiampet Revenue Village, Puducherry as per the proviso to Section 24(2) of the Right to Fair Compensation and Transparency in land acquisition rehabilitation and resettlement Act 2013.

In both WPs.

For Petitioners : Mr.K.S.Ilangovan for
Achari and Antoni Associates

For Respondents : Mrs.V.Usha
Additional Government Pleader
(Pondicherry)

COMMON ORDER

These Writ Petitions are filed seeking to issue Writs of Declaration declaring the non payment of compensation for the majority lands acquired by the respondents as per Award No.5 of 2009, dated 16.11.2009, as violative of the proviso to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013, and consequentially direct the respondents to pay compensation to the petitioners' land in R.S.No.66/1, Odiampet Revenue Village, Puducherry as



per the proviso to Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013.

2. The Writ Petitions have been filed for the grant of compensation under Section 24(2) of the Right to Fair Compensation and Transparency in Land Acquisition Rehabilitation and Resettlement Act, 2013 (for brevity “the Act of 2013) since the acquisition proceedings got lapsed.

3. The learned counsel for the petitioners submitted that though the petitioners' lands were acquired under the Award No.5 of 2009, dated 06.11.2009, under the provisions of the Land Acquisition Act, 1894, possession was not taken and compensation was also not paid. Therefore, the acquisition proceedings got lapsed. For the very same acquisition, earlier some of the land owners filed writ petitions challenging the same on the ground that the amount of compensation was not paid within one year from the date of Award and in one of the writ petitions in W.P. No.7070 of 2010, stay was granted by this Court. This Court, on finding that the compensation was not paid within one year and possession was also not taken, held that the



acquisition got lapsed, however directed the land owners to surrender possession. Challenging the same, the said land owners filed Writ Appeals and the same were disposed by the Division Bench by setting aside the direction to the land owners to surrender possession since the acquisition proceedings got lapsed. Therefore, the petitioners are entitled to compensation under the Act, 2013.

4. The learned Additional Government Pleader (Pondicherry) submitted that in view of the stay order passed in the writ petition filed by the land owners, the respondents could not pay the compensation amount and subsequently, after the stay order was vacated, paid the compensation to most of the land owners and took possession. However, in cases where there were issues relating to earlier documents, the compensation amount was deposited in the Court.

5. Heard and perused the materials available on record.

6. Admittedly, when the Act of 2013 came into force, the possession was only with the petitioners and the amount of compensation was also not



paid to them and therefore, the acquisition proceedings got lapsed. Therefore, this Court cannot take a different view insofar as the project in question is concerned. The petitioners seek enhancement of compensation under Section 24(2) of the Act of 2013 and that the respondents require the lands for the project in question. Therefore, the respondents are directed to pay the compensation to the petitioners under the Act of 2013.

7. With the above directions, the writ petitions are allowed. There shall be no order as to the costs.

20.11.2023

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

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P.VELMURUGAN. J.

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