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W.P.No.5926 of 2018 &  
W.M.P.No.7303 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2024

CORAM

THE HONOURABLE MR.JUSTICE **P.VELMURUGAN**

W.P.No.5926 of 2018 &  
W.M.P.No.7302 of 2018

V.Pakkirisamy

... Petitioner

Vs.

1. Govt., of Puducherry  
rep. By its Secretary to Government,  
Department of Revenue and  
Special Disaster Management,  
Puducherry

2. Sub Collector (Revenue)  
cum Land Acquisition Officer,  
Office of the Sub Collector,  
Karaikkal

3. The Tahsildar (Land Acquisition)  
Office of the Tahsildar  
Karaikkal

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare the land acquisition proceedings initiated under the Land Acquisition Act I of 1894 and continued under Act 30 of 2013 by the respondent by issuing notification under Section 4(1) of the Land Acquisition Act 1 of 1894 in respect of the petitioners' land holdings



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situated at Survey nos.80/5 to 84/5, Kottucherry Kommunie, Karaikal Taluk in Puducherry State by the Government of Pudhucherry represented by Secretary to Government, Department of Revenue and Special Disaster Management Pudhucherry vide notification in G.O.Ms.No.4 dated 27.06.2011 and the consequent declaration made under Section 6 of the said Act in G.O.Ms.No.7 dated 29.07.2011 and quash the same as illegal and unsustainable in so far against the interests of the petitioner or in the alternative direct the respondents to decide and pay the compensation amount within time frame for the petitioner's land holdings comprised in S.Nos.80/5 and 84/5 at Kottucherry Kommunie, Karaikal Taluk, Pudhucherry State so alleged to have been acquired from the petitioner, as per the provisions contained under Section 24(2) of the Act 30 of 2013.

For Petitioner : Mr.K.Kanniah

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

### **ORDER**

The present Writ Petition has been filed for issuance of a Writ of Declaration to declare the land acquisition proceedings initiated under the Land Acquisition Act I of 1894 and continued under Act 30 of 2013 by the respondent by issuing notification under Section 4(1) of the Land



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Acquisition Act 1 of 1894 in respect of the petitioners' land holdings situated at Survey nos.80/5 to 84/5, Kottucherry Kommunie, Karaikal Taluk in Puducherry State by the Government of Pudhucherry represented by Secretary to Government, Department of Revenue and Special Disaster Management Pudhucherry vide notification in G.O.Ms.No.4 dated 27.06.2011 and the consequent declaration made under Section 6 of the said Act in G.O.Ms.No.7 dated 29.07.2011 and quash the same as illegal and unsustainable in so far against the interests of the petitioner or in the alternative direct the respondents to decide and pay the compensation amount within time frame for the petitioner's land holdings comprised in S.Nos.80/5 and 84/5 at Kottucherry Kommunie, Karaikal Taluk, Pudhucherry State so alleged to have been acquired from the petitioner, as per the provisions contained under Section 24(2) of the Act 30 of 2013.

2. The learned counsel for the petitioner submitted that only half portion of the amount was paid by the authorities and the same was received by the petitioner and that the petitioner is not aware of the fact that the other half portion of the amount was deposited in the civil court and only at present, the petitioner came to know about the same.



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3. Per contra, the learned Additional Government Pleader (Pondicherry) appearing for the respondents submitted that the authorities paid the amount and possession was also taken. Once the amount paid or deposited or the possession was taken, the ingredients under Section 24(2) of Land Acquisition Act would not attract, thereby pleaded to dismiss the petition.

4. Considering the facts and circumstances of the present case and taking note of the submission made by the learned Additional Government Pleader [Pondicherry] appearing on behalf of the respondents that the portion of the amount was already paid and the petitioner also received the said portion of the amount and that the remaining portion of the amount is also deposited in the civil court, this Court is of the view that the present Writ Petitioner is not entitled to the reliefs sought for in the Writ Petition.

In the result, the present Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

29.01.2024

Index: Yes/ No  
Internet: Yes/ No  
Speaking Order/ Non Speaking Order  
ssd

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To

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rep. By its Secretary to Government,  
Department of Revenue and  
Special Disaster Management,  
Puducherry
2. Sub Collector (Revenue)  
cum Land Acquisition Officer,  
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**P.VELMURUGAN,J.**

ssd

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