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W.P.No.32957 of 2024.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.11.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No.32957 of 2024

Iyyanar

... Petitioner

Vs.

1.Union Of India,
Rep By The Secretary to Government,
Revenue Department,
Government Of Pondicherry,
Puducherry -605 001

2.The District Collector (Revenue).
I-Floor, New Revenue Complex,
Vazhudavoor Road Pettaiyanchathiram,
Puducherry -605 009

3.The Deputy Collector (Revenue)
South-Cum Land Acquisition Officer,
Special Economic Zone,
Villianur Pudcherry -605 001

...Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India

praying for issuance of a writ of Mandamus, directing the 2nd respondent /

the District Collector (Revenue) to consider the petitioners representations

dated 11-01-2019 and 03-07-2024 to re-determine the compensation

awarded to the petitioner for his land R.S.Nos.91/5, 91/6, 91/4, 89/4C,

89/4B, 136/9B measuring an extent of 0.19.00 Ares 0.18.50 Ares, 0.63.50

Ares, 0.07.28 Ares, 0.07.75 Ares, 0.01.60 Ares, respectively, total



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measuring an extent of 0.117.63 Ares, acquired at Karasur Revenue Village Puducherry in Award No.2/2008 to a sum of Rs.21,261/-per Are, pursuant to the enhanced compensation award passed in LAOP No.110 of 2012 on the file of Additional District Judge, Puducherry and pass such further order or other orders or the facts and circumstance of the case and thus render justice.

For Petitioner : M/s.Usha Ramman

For Respondents : M/s.M.Nirmal Kumar, GA(P).
for R1 to R3.

ORDER

The writ petition is filed to direct the 2nd respondent/the District Collector (Revenue) to consider the petitioner's representations dated 11.01.2019 and 03.07.2024 to re-determine the compensation awarded to the petitioner for his land comprised in R.S.Nos.91/5, 91/6, 91/4, 89/4C, 89/4B and 136/9B measuring an extent of 0.19.00 Ares 0.18.50 Ares, 0.63.50 Ares, 0.07.28 Ares, 0.07.75 Ares and 0.01.60 Ares, respectively, total measuring an extent of 0.117.63 Ares acquired at Karasur Revenue Village, Puducherry, in Award No.2/2008, to a sum of Rs.21,261/- per Ares, pursuant to the enhanced compensation award passed in LAOP No.110 of 2012, on the file of II Additional District Judge, Puducherry.

2. The petitioner's land comprised in R.S.Nos.91/5, 91/6, 91/4,



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89/4C, 89/4B and 136/9B measuring an extent of 0.19.00 Ares, 0.18.50 Ares, 0.63.50 Ares, 0.07.28 Ares, 0.07.75 Ares and 0.01.60 Ares, respectively, total measuring an extent of 0.117.63 Ares, situate at Karasur, Puducherry had been acquired for the purpose of setting up of Special Economic Zone. The petitioner would submit that the Land Acquisition Officer had passed a final award on 25.01.2008. The similarly placed land owners aggrieved by the compensation awarded had preferred a Reference Application under Section 18 of the Land Acquisition Act, seeking enhancement of a higher compensation. The said reference was taken on file as LAOP.No.110 of 2012. By an award dated 01.12.2018, the II Additional District Judge, Puducherry was pleased to enhance the compensation. The petitioner had not filed any application under Section 18 of the Land Acquisition Act to the Land Acquisition Officer or the 2nd respondent. However, the petitioner had submitted an application under Section 28-A of the Land Acquisition Act which was acknowledged by the 3rd respondent on 11.01.2019. However, the said application has not been considered to date. A reminder dated 03.07.2024 has also not yielded the desired result. Therefore, the petitioner is before this Court.

3. Heard the counsels on either side.



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4. Considering the fact that within a month of the award being passed by the II Additional District Judge, Puducherry in LAOP.No.110 of 2012, the petitioner has taken out an application under Section 28-A of the Land Acquisition Act and since the same has not been considered to date, a mandamus is issued to the 2nd respondent to consider the petitioner's representations dated 11.01.2019 and 03.07.2024 and re-determine the compensation awarded to the petitioner, taking into consideration the enhanced compensation awarded in LAOP No.110 of 2012 by the II Additional District Judge, Puducherry. The said exercise shall be completed within a period of 3 weeks from the date of receipt of a copy of this order. No costs.

5. With the above directions, this Writ Petition is allowed. No costs.

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(shr)

Index : Yes/No

Speaking Order: Yes/No

Neutral Citation : Yes/No

To

<https://www.mhc.tn.gov.in/judis>



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