



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.10487 of 2017 and
W.M.P. No.11378 of 2017

Alphonse Abichegaradjou

... Petitioner

Vs.

1. Union of India
Rep. by Secretary to Government
(Revenue)
Puducherry
2. The Deputy Collector (Revenue)
North-cum-Land Acquisition Officer
Puducherry
3. Principal District Court
Puducherry

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue Writ of Certiorari to call for the records relating to the proceedings in No.6348/DC(R)N/LA/2016/271 dated 25.01.2017 on the file of the second respondent herein and consequent proceedings pending in L.A.O.P. No.02/2017, on the file of the third respondent and to quash the same.

For Petitioner : Mr.P.Raja

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

**ORDER**

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This Writ Petition is filed seeking a Writ of Certiorari to call for the records relating to the proceedings in No.6348/DC(R)N/LA/2016/271 dated 25.01.2017, on the file of the second respondent herein and consequent proceedings pending in L.A.O.P. No.02/2017, on the file of the third respondent and to quash the same.

2. The learned counsel for the petitioner submitted that the Hon'ble Supreme Court has given a direction that the land owners are entitled to the interest for the enhanced compensation and as such, the petitioner is also entitled to interest. Even though the present Writ Petition is filed for quashing the impugned proceedings, in view of the direction of the Hon'ble Supreme Court, the petitioner is entitled to the relief sought for and the petitioner is entitled to the interest on the award of compensation.

3. The learned Additional Government Pleader, Pondicherry, appearing for the respondents submitted that despite several opportunities were given, the petitioner had not produced any document to prove the ownership and therefore, the matter was referred to Civil Court and the same is pending under reference 30 of the Land Acquisition Act. Therefore, the petitioner is not entitled to the relief as sought for in the Writ Petition. Unless the Civil



Court decides the right and title of the parties, the petitioner is not entitled to the relief sought for. Further due to pending litigation and also stay granted by the Hon'ble Supreme Court, they were not in a position to deposit the amount. However, since it is a title dispute, the matter was referred to Civil Court and the same is pending. The Award amount was deposited before the Civil Court. Therefore, the petitioner is not entitled to get the relief as sought for in the Writ Petition.

4. Heard and perused the materials available on record.

5. Admittedly, the land was acquired by the Government and after notification, the matter went up to Supreme Court. Initially, the Supreme Court granted stay and subsequently, gave certain directions. Though the writ petitioner challenged the impugned proceedings, due to the subsequent development based on the directions of the Hon'ble Supreme Court, now the petitioner is insisting only on interest and not the entire relief as sought for in the Writ Petition. However, since the reference under Section 30 of Land Acquisition Act, is pending with the Civil Court regarding dispute of title, the petitioner is not entitled to the relief of interest also at this stage. However, the petitioner is at liberty to work out his remedy after the outcome of the Civil



Court reference regarding title.

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6. Accordingly, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

09.01.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



To

1. The Secretary to Government (Revenue)
Union of India
Puducherry
2. The Deputy Collector (Revenue)
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Puducherry



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P.VELMURUGAN. J.

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