



WEB COPY

W.P. No.2853 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.02.2024

Coram:

THE HONOURABLE MR. JUSTICE P.V'ELMURUGAN

W.P. No.2853 of 2024

P.Balamurugan
Executive Officer,
Sri Moolanathaswamy Temple,
Bahour, Puducherry – 607 402
Residing at No.13,
Thamaraikulanatham Street,
Bahour, Puducherry – 607 402.

... Petitioner

Vs.

1. The Secretary
Hindu Religious Institution
Government of Puducherry
Vazhudavur Road
Puducherry
2. The Commissioner
Hindu Religious Institution
Government of Puducherry
Vazhudavur Road
Puducherry
3. The Collector
Government of Puducherry
Puducherry
4. The Deputy Collector (Revenue) South-cum-
Competent Authority (Land Acquisition)
Government of Puducherry, Puducherry



5. The Tahsildar
Taluk Office
Bahour, Puducherry

6. The President
Board of Trustees of Sri Sedal
Sengeni @ Sengazhuneer Mariamman Temple
Soriankuppam
Puducherry

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records comprised in order No.6169/DCRS/LA/NHAI/Petition/2023/957/193 dated 06.12.2023 and confirming the order in No.100616/SCRS/LA/NHA/2022/KRVM dated 09.04.2022 on the file of the 4th respondent, quash the same and to direct the respondents to consider the representation dated 03.11.2023 given to the 4th respondent.

For Petitioner : Mr.E.V.Chandru

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

ORDER

This Writ Petition is filed seeking to issue a Writ of Certiorarified Mandamus to call for the records comprised in order No.6169/DCRS/LA/NHAI/Petition/2023/957/193 dated 06.12.2023 and confirming the order in No.100616/SCRS/LA/NHA/2022/KRVM dated 09.04.2022 on the file of the 4th respondent, quash the same and to direct the respondents to consider the representation dated 03.11.2023 given to the 4th respondent.



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2. The case of the petitioner is that the land covered under the acquisition in R.S.No.190/1, Kuruvinatham Revenue Village belongs to the petitioner Temple. Neither notice of acquisition was issued nor compensation granted in the name of the petitioner temple, which is the true owner of the acquired property. The 4th respondent acquired the said land for the purpose of laying four lanes under NHDP Phase-IV and Award was also passed. The petitioner made a representation before the 4th respondent on 03.11.2023 for the payment of compensation stating the facts that the property belongs to the petitioner Temple and also produced the documents, whereas the 4th respondent without considering the same, passed the impugned order dated 06.12.2023 in favour of the 6th respondent for release of payment of the compensation amount.

3. The learned Government Advocate (Pondicherry) appearing for the respondents submitted that since the HRI, Puducherry, stated that the said property stand registered in the name of “Sedal Sengeni Mariamman Koil Soriankuppam Present Trustee” and comes under the purview of HRI, amount was paid to them. However, the 3rd respondent is the competent



authority to pass orders under Section 64 of the Right to Fair Compensation Act. If the petitioner submits an application/appeal under the new Act 30 of 2013 under Section 64 of the Right to Fair Compensation Act, and establish its right over the property before the 3rd respondent, they can recover the amount from the 1st respondent for the property acquired.

4. Heard both sides and perused the materials available on record.

5. In view of the statement made by the learned Government Advocate (Pondicherry), the petitioner is directed to make application/appeal under Section 64 of the Right to Fair Compensation Act, before the 3rd respondent within 10 days from the date of receipt of the copy of this order and on receipt of the same, the 3rd respondent is directed to issue notice to the petitioner and to 1st respondent, interested parties/rival claimants/objectors if any, as the case may be and after giving opportunity of hearing to all the parties, pass orders on merits and in accordance with law within a period of 30 days from the date of receipt of the application/appeal as the case may be.



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6. With the above directions, this Writ Petition is disposed of at the admission state itself. No costs.

08.02.2024

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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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