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W.P.Nos.14073 & 14074 of 2003
IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.09.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.14073 & 14074 of 2003

WP.No.14073 of 2003

The Pondicherry Housing Board,
rep.by its Chairman,
Anna nagar, Pondicherry-5

... Petitioner

Vs.

1.The Court of the III Addl. District Judge,
(The Court designated under the Land Acquisition Act, 1984),
Pondicherry

2.Union of India,
Union Territory of Pondicherry,
rep. By the Secretary to Govt.,
Revenue Dept., Pondicherry

3.The Sub-Collector(Revenue)
(Land Acquisition Officer),
Pondicherry

4.R.K.Selvarajan

5.S.Murugavel

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the order dated 06.01.2003 made in IA.No.169 of 2002 in LAOP.No.85 of 1983 on the file of the first respondent and to quash the same and consequently direct the respondents 4 & 5 to refund the



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excess amount of Rs.11,01,338.60 (or such other amount that may be determined) withdrawn and utilised by them to the petitioner Board, along with interest at 15% p.a. from 20.12.2001 till the date of payment.

For Petitioner : Mr.T.P.Manoharan,
Senior Counsel
for Mr.V.S.Kumaraguru

For Respondents
For R1 : Court

For R2 & 3 : Mr.V.Vasanthakumar,
Additional Government Pleader(Pondy)

For R4 & 5 : no appearance

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For Petitioner : Mr.T.P.Manoharan,
Senior Counsel
for Mr.V.S.Kumaraguru

For Respondents
For R1 : Court

For R2 & 3 : Mr.V.Vasanthakumar,
Additional Government Pleader(Pondy)

For R4 & 5 : no appearance

COMMON ORDER

These writ petitions have been filed against the orders passed in IA.Nos.168 & 169 of 2002 in LAOP.No.85 of 1993 dated 06.01.2003 on the file of the first respondent.

2. The petitioner had acquired lands for construction and allotment of 2000 residential flats to lower income group people in



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RS.No.88/1 measuring to an extent of 1.68.00 hectares and the land in

RS.No.88/3 to an extent of 1.14.00 hectares in total 2.82.00 hectares. The

subject land was owned by the fourth respondent herein. After completion of the entire acquisition proceedings, award has been passed and there was reference under Section 18 of the Land Acquisition Act in LAOP.No.85 of 1983. Subsequently, in the LAOP, award amount was enhanced and accordingly, the petitioner deposited the entire enhanced award amount to the tune of Rs.72,22,141/- It was also duly withdrawn by the fourth respondent. While being so, two other IA's were filed in IA.Nos.168 of 2002 and 169 of 2002 for direction directing the petitioner to pay sum of Rs.88,69,415.70/- in each petition. The first respondent herein passed order without even verifying the records and by considering the calculation memo filed by the petitioner allowed both the petitions filed by the father and son i.e. respondents 4 & 5 herein and directed the petitioner to deposit the amount of Rs.88,69,415.70 in each petition. Further, the first respondent passed non speaking order without any calculation.

3. In view of the above, the impugned orders cannot be sustained and the same are liable to be set aside. Accordingly, the impugned orders dated 06.01.2003 passed in IA.Nos.168 & 169 of 2002

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in LAOP.No.85 of 1993 on the file of the first respondent are set aside.

Respondents 4 & 5 died and no other legal heirs are available. The
aforementioned applications are remanded back to the first respondent for
fresh disposal. It is made clear that the trial court shall issue fresh notice
to the petitioner and respondents and dispose of the aforementioned
applications in accordance with law.

4. With the above direction, both the writ petitions stand
allowed. There shall be no order as to costs.

22.09.2025

Neutral citation: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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To

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