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W.P.No.7229 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2025

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No.7229 of 2016
and
W.M.P.Nos.6422 and 6423 of 2016

S.Krishnan

... Petitioner

Vs.

1.Union of India,
Union Territory of Puducherry,
Rep.by the Additional Secretary to Government,
Revenue & Disaster Management Department,
Govt. of Puducherry, Puducherry.

2.The Deputy Collector (Revenue) South
-cum- Land Acquisition Officer,
Office of the Deputy Collector (Revenue) – (South),
Villianur, Puducherry – 605 010.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to (i) the Notification U/s.4(1) of the Land Acquisition Act, 1894 bearing G.O.Ms.No.86 dated 29.09.2006 and published in the Gazette of Puducherry dated 30.09.2006, (ii) the Declaration U/s.6 of the Land Acquisition Act, 1894 bearing G.O.Ms.No.105 dated 30.11.2006 and published in the Gazette of Puducherry dated 01.12.2006 on the file of the 1st respondent and (iii) the Award No.5/2009 dated 16.11.2009, (iv) the Notice bearing No.616/DCRS/LA/U/2004/B1 dated 22.09.2015 U/s.12(2)



of the Land Acquisition Act, 1894 & (v) the Notice bearing No.616/DCRS/LA/U/2004/B1 dated 22.09.2015 on the file of the 2nd respondent and to quash the same insofar as the same are relating to the petitioner's two plots comprised at R.S.No.65/4B, situated at Odiampet Village, Puducherry and measuring 0.02.22 HAC (4 Kuzhies & 2¼ Veesams) and consequently, direct the respondents to initiate fresh proceedings under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, determine and pay the compensation and acquire the above two plots owned by him in accordance with the methods and procedures prescribed therein.

For Petitioner : Mr.T.M.Naveen

For Respondents : Mr.V.Vasanthakumar,
Additional Government Pleader
(Puducherry)

ORDER

The petitioner claims that he is the absolute owner of the property bearing R.S.No.65/4B measuring a total extent of 0.02.22 HAC situated at Odiampet, Puducherry. While being so, the Government of Puducherry has issued notification under Section 4(1) r/w Section 17 of the Land Acquisition Act 1894 (hereinafter referred to as “Act” in brevity) on 30.09.2006 proposing to acquire the petitioner's property along with the adjacent properties for the purpose of formation of bye-pass road south of Pondicherry-Villianur Railway line, bye-passing Arumparthapuram-Natesan Nagar segment of NH-45A at Kurumbapet and Odiampet Revenue Villages.



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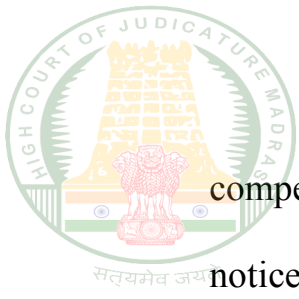
The said acquisition proposes to acquire petitioner's property measuring an extent of 0-03-96 Ha. A declaration under Section 6(1) of the Land Acquisition Act, 1894 was issued on 01.12.2006. Thereafter, the respondents were silent for 2 years. However, in the year 2008, the second respondent issued a notice dated 25.07.2008, informing that an enquiry under Section 17(3-A) of the Land Acquisition Act, 1894 was proposed to be held on 20.08.2008 and was required to furnish certain documents to prove his ownership. But no enquiry was conducted as fixed. Thereafter, the petitioner received a notice dated 16.09.2008 from the second respondent wherein it was informed that pursuant to the enquiry held on 20.08.2008 under Section 17(3A) of the Land Acquisition Act, 1894, 80% of the compensation amount was fixed tentatively for the acquisition of the petitioner's land, which works out to Rs.88,342/- and the petitioner was required to claim his share upon production of original documents etc., On receipt of this notice dated 16.09.2008, the petitioner had submitted the document proving his ownership on 23.12.2008.

2. Thereafter, an award came to be passed on 16.11.2009, fixing the compensation for the property acquired, and that no communication was



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served on the petitioner enclosing the copy of the award, which according to the petitioner is more in the nature of a proposal and will not constitute an award within the meaning of Sec.11 of the Act. Thereafter, nothing was heard till 22.09.2015. Sometime in September 2015, the vendor of the petitioner, viz., T.Rangaraj Naikar, was served with two separate notices dated 22.09.2015 issued by the second respondent, wherein he was requested to be present at the property acquired on 28.09.2015 at 10.30 a.m and was further informed that the compensation amount of Rs.1,20,266/- has been deposited in Civil Court as per Section 31(2) of the Land Acquisition Act and he was informed to collect the amount from the Civil Court by proving his ownership. But neither the second respondent nor his subordinates visited the spot on the said date. The petitioner has made a representation dated 07.10.2015 to the second respondent to enhance the compensation as the present market value of land is Rs.2,000/- per sq.ft. The petitioner has on 09.10.2015 submitted certain original documents available with him to prove the ownership. In such circumstances, the Revenue Officer in the office of the second respondent has issued notice dated 06.11.2015 to the petitioner reminding him to submit original documents in support of his claim before 20.11.2015, failing which the



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compensation amount would be deposited in the Civil Court without further notice. In response, the petitioner has submitted certain original documents on 18.11.2015. Thereafter, the petitioner has made a representation dated 27.01.2016 to the second respondent requesting to furnish the copy of the award dated 16.11.2009, which has been wrongly issued to the said T.Rangaraj Naikar.

3. The petitioner contends that as per Section 11-A of the Act, an award should be passed within two years from the date of publication of Declaration under Sec. 6 of the Act i.e., before 29.11.2008 or before the commencement of the Right to Fair Compensation Act, which came into effect on 01.01.2014. However, the award came to be passed on 16.11.2009. Hence, according to the petitioner, the entire acquisition has lapsed under Section 11-A of the Act on 30.11.2008. Hence, the response would have to initiate fresh acquisition, if they are desirous of acquiring the petitioner's property as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).



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4. The learned Additional Government Pleader appearing for the respondents would submit that based on the proposal submitted by the Public Works Department, Puducherry, the Land Acquisition Officer had conducted preliminary inspection on 19.10.2005, and a notification under Section 4(1) was issued Vide G.O.Ms.No.86 dated 29.09.2006. The final award came to be passed by the Land Acquisition Officer only on 16.11.2009, during the said period i.e., from July 2008 to November 2009, the proposals sent to the Government for approval remained unaccepted and finally approval was sanctioned only on 13.11.2009. Further, in response to the notice sent by the respondents on 20.08.2008 and 12.12.2008, neither the land owners nor the interested persons appeared for enquiry, and they also failed to produce the parent documents and other related documents to prove ownership over the property acquired. Hence, there appears to be delay and laches on the part of petitioner's conduct. It is also alleged that the urgency for taking possession of the petitioner's property is only to overcome the congestion and routine traffic problem that exists in the State and this has been clearly specified in the 4(1) notification. Even during the award enquiry conducted for receiving the compensation, the petitioner did not produce the parent documents, which is essential to prove his



ownership, owing to which the respondents could not make compensation.

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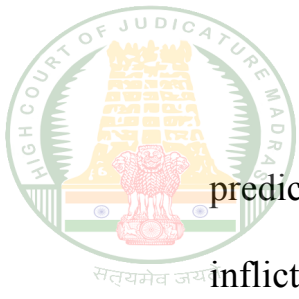
5. In the meantime, the writ petition in W.P.No.7070 of 2010 came to be filed by few other land owners challenging the acquisition on the ground that it has lapsed, and this Court had granted interim stay vide its order dated 13.04.2010. Hence, the Land Acquisition Officer did not proceed further, but subsequently, vide order dated 21.09.2015, this Court modified the order restricting it only to the writ petitioners in W.P.No.7070/2010 alone. Subsequently, the Land Acquisition Officer issued a notice under Section 12(2) of the Act to the petitioner for taking possession and accordingly, the lands were taken into possession on 28.09.2015 from other landowners including the petitioner. Though the date of award has been mentioned in the notice as 16.11.2009, only in view of the stay granted by this Court in W.P.No.7070 of 2010 had halted the proceedings of the Land acquisition Officer and hence there was a delay of more than five years. It is further alleged that in the instant case the award was passed during the year 2009 itself and hence, at this juncture the petitioner's contention seeking compensation under New Act is unacceptable and hence, this writ petition should not entertained and is liable to be dismissed.



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6. Primarily the submissions made on behalf of the petitioner closes the issue. Under Section 11-A of the Land Acquisition Act, 1894, the entire proceedings for the acquisition of land will stand lapsed if an award under Section 11 is not passed within a period of two years from the last date of publication of the declaration under Section 6(1) of the Act. The response letters of the petitioner shows his bonafide intention.

7. When the Government admits that the last date of publication of Section 6(1) declaration by public affixture was on 17.10.2007, then it does not require rocket science to hold that an award passed on 16.11.2009 will stand lapsed under Section 11-A of the Act. In all cases where the survival of land acquisition proceedings is tested under sec.11-A of the Land Acquisition Act, 1894, the Court only needs to look to the clock or the calendar, and not to any legal literature to know what the results are. Nothing more is required to be done thereafter, as nothing can survive beyond the date on which the two years period expired, when the acquisition proceedings will stand statutorily lapsed, and nothing can revive the acquisition either as there is no statutory means of achieving it. This



predicament of the respondents is self invited, and its consequences are self inflicted, and the respondents should take the blame for the same.

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8. The only defence put forward by the respondents is that an order of stay was passed by this Court in W.P.7070 of 2017. But even by their own statement in the affidavit, it was passed only on 13.04.2010 after the acquisition has lapsed under Sec.11-A of the Old Act. In fact, this court in its order in W.P.7070 of 2016 has arrived at the same conclusion and directed fresh acquisition of the property of the petitioners before it.

9. In conclusion, the notification U/s.4(1) of the Land Acquisition Act, 1894 bearing G.O.Ms.No.86 dated 29.09.2006 published in the Gazette of Puducherry dated 30.09.2006 and (ii) declaration U/s.6 of the Land Acquisition Act 1894 bearing G.O.Ms.No.105 dated 30.11.2006 published in the Gazette of Puducherry on 01.12.2006 on the file of the first respondent and (iii) Award No.5/2009 dated 16.11.2009 (iv) the notice bearing No.616/DCRS/LA/U/2004/B1 dated 22.09.2015 U/s.12(2) of the Land Acquisition Act 1894 and (v) the notice bearing No.616/DCRS/LA/U/20014/B1 dated 22.09.2015 on the file of the second



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respondent are quashed and the respondents are directed to resort to fresh acquisition under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Central Act 30 of 2013).

10. Accordingly, the Writ Petition stands allowed. No costs. Consequently connected miscellaneous petitions are closed.

11.09.2025

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Index : Yes

Speaking order

Neutral Citation : Yes

To

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