



W.P.No.21839 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.06.2025

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THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P.No.21839 of 2025

1.S.Mohamed Ghouse
2.Mougamadou Ilmoudine

: Petitioners

Vs.

1.The Union of India,
rep. By its Secretary to Government,
(Revenue) Puducherry.

2.The Government of Puducherry,
rep. By the Deputy Collector cum
Land Acquisition Officer,
Office of the Deputy Collector (Revenue)
Karaikkal.

3.The Director,
Department of Tourism,
Puducherry.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Certiorarified Mandamus calling for the records relating to the impugned order made in Proc.No.3309/DCR/LA/B1B/1418 dated 05.05.2025 issued by the 2nd Respondent, quash the same and consequently direct the respondents to pay the compensation amount upheld by the Honble Division Bench in A.S.No.786 of 2023 and its batch dated 19.11.2024 or to refer the petition dated 12.01.2011 to the reference court u/s 18 of the Land Acquisition Act 1894 for payment of just compensation with regard to the lands measuring 24 Ares 99 Sa



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bearing RS No.56/2 Thirunallar Village, Karaikkal District, Puducherry.

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For Petitioner : Mr.N.Manokaran

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

ORDER

The present writ petition is filed challenging the impugned order made in Proc.No.3309/DCR/LA/B1B/1418 dated 05.05.2025 issued by the 2nd Respondent, and consequently, direct the respondents to pay the compensation amount upheld by the Honble Division Bench in A.S.No.786 of 2023 and its batch dated 19.11.2024 or to refer the petition dated 12.01.2011 to the reference court under Section 18 of the Land Acquisition Act 1894 for payment of just compensation with regard to the lands comprised in RS No.56/2, measuring an extent 24 Ares 99 Sa situated at Thirunallar Village, Karaikkal District, Puducherry.

2. Learned Additional Government Pleader would submit the following instructions dated 30.06.2025 of the second respondent:

"With regard to the telephonic intimation received from you in relation to the upcoming hearing of the W.P. Mentioned above, the following details are communicated for your kind reference:



a) *At the instance of the requisition made by the Director, Tourism Department, Puducherry, the Land Acquisition Officer acquired the lands situated at Keezhavoor, Thirunallar and Pettai Revenue Villages of Karaikal District, to a total extent of 56-80-37 HACa. For the purpose of Development of Temple Town (Ring Road and Facility Node).*

b) *The Land Acquisition Officer had acquired an extent of 0-24-07 HACa. Out of the total extent of 0-24-99 HACa. Of the petitioners' Wet land comprised in R.S.No:52/6, situated at No:21-Thirunallar Revenue Village. The Land owners-cum-petitioners were paid compensation as per LAO Award rate of Rs.50,000/- per Are.*

c) *The land owners submitted a representation to the Land Acquisition Officer to refer their case to the Civil Court, under Section 18 of the Land Acquisition Act, 1894, for enhancement of compensation. It is admitted that the petitioners submitted their representation on 17-01-2011 to refer their case to the Civil Court under Section 18 for the LA Act, 1894.*

d) *It could not be confirmed from the records available whether the reference was made to the court or not and if the reference is not made, the reasons therefor.*

e) *As the occurrence of the events dates about 15 years back, the corresponding back files/notes etc.could not be traced out.*

f) *If the petitioners had contacted and enquired the issues in the initial stage (about 10 years back), the concerned staff of this office who processed the petitioners' case would have conveyed a due reply/remedy.*

g) *The petitioners submitted application for redetermination of the compensation and the same was rejected by a proceedings vide Proc.No.3309/DCR/LA/B1B/1418 by the 2nd respondent. The prayer of the petitioners in this writ petition is to*



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quash the proceedings (reproduced in para 8 of the Affidavit). The proceedings is self-explanatory, correct and as per law and as such, praying to quash the same is not acceptable.

h) It is, on the other hand, pertinent to state here that the petitioners may submit application for redetermination of compensation, on the basis of the Award in LAOP No:3/2021, passed by the Hon'ble District Court, Karaikal, on 07-04-2025 and the limitation for this has not yet lapsed. The petitioners may pursue this remedy available as per the provision of law, and when such remedy is available to the petitioners, the Writ Petition is liable to be dismissed in limine”

3. At this juncture, learned counsel for the petitioner seeks leave of this court to submit an application for re-determination of compensation on the basis of the award in LAOP No.3 of 2021. He would also submit that the respondent authority, while considering the petitioner's application may keep in view the judgments of the Apex Court and also the Division Bench of this Court, if any, that may be placed by the petitioner, which was agreed to by the learned Additional Government Pleader for the respondents.

4. In view thereof, it is open to the petitioner submit an application for re-determination of compensation on the basis of the award in LAOP No.3 of 2021 before the respondent authority. If any such representation is submitted, the



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respondent authority shall consider the same on its own merits keeping in view the judgments of the Apex Court and also the Division Bench of this Court, if any, that may be placed by the petitioner and pass appropriate orders in accordance with law, after affording reasonable opportunity of hearing to the petitioner and any other interested persons/stake holders, within a period of twelve (12) weeks from the date of uploading of the web copy without waiting for the receipt of certified copy. It is made clear that this Court has not expressed any views with regard to the merits of the case and it is open to the concerned respondent to consider the case on its own merits and in accordance with law.

5. Accordingly, the writ petition stands disposed of. There will be no order as to costs.

30.06.2025

Speaking (or) Non Speaking Order

Neutral Citation: Yes/No

mrn

To

1.The Union of India,
rep. By its Secretary to Government,
(Revenue) Puducherry.

2.The Government of Puducherry,
rep. By the Deputy Collector cum

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Land Acquisition Officer,
Office of the Deputy Collector (Revenue)
Karaikkal.

3.The Director,
Department of Tourism,
Puducherry.

MOHAMMED SHAFFIQ, J.

(mrn)



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