



WEB COPY

WP No. 28004 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05-08-2025

CORAM

THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ

WP No. 28004 of 2025

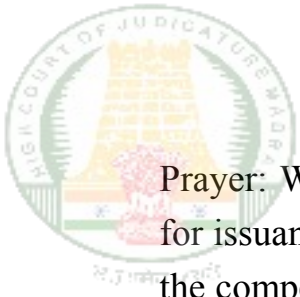
1. Sithammal
2. Govindan
3. Narayanasamy
4. Parameswari
5. Sarala
6. Samitha

Petitioner(s)

Vs

1. The Government Of Puducherry
Rep By Chief Secretary,
Puducherry 605 001.
2. District Collector (Revenue)
1 Floor New Revenue Complex
Vazhudavoor Road, Pettaiyanchathiram,
Puduchery 605 009.
3. The Deputy Collector (Revenue)
South Cum Land Acquisition Officer,
Villianur, Puduchery 605 001.
4. The Managing Director,
Pondicherry Industrial Promotion
Development and Investment Corporation,
No. 60, Romain Rolland Street, White
Town Puducherry 605 001.

... Respondent(s)



Prayer: Writ Petition filed under Art. 226 of the Constitution of India praying for issuance of Writ of Mandamus to direct the 2nd respondent to re determine the compensation awarded to the petitioner's lands acquired at Karasur revenue village in Award No. 2/2008 to a sum of Rs. 21,261/- per Are based on the application under section 28A of the Land Acquisition Act 1894 dated 22.03.2019 and the representation dated 06.06.2024 pursuant to the enhanced compensation award passed in LAOP No. 110/2012 on the file of the II Additional District Judge, Puducherry.

For Petitioner(s): V. Rajesh Babu

For Respondent: Mr. P. S. Kothandaraman,
Govt. Advocate (Puducherry)

ORDER

By consent of learned counsel on both sides, this writ petition is taken up for final disposal at the admission stage itself.

2. This Writ Petition has been filed praying for issuance of Writ of Mandamus to direct the 2nd respondent to re-determine the compensation awarded to the petitioner's lands acquired at Karasur revenue village in Award No. 2/2008 to a sum of Rs. 21,261/- per Are based on the application under Section 28A of the Land Acquisition Act 1894 dated 22.03.2019 and the representation dated 06.06.2024 pursuant to the enhanced compensation award passed in LAOP No. 110/2012 on the file of the II Additional District Judge,



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3. According to the petitioner, lands belonging to her late father in R.S.No.28/3 measuring to an extent of 00.49 hectares and 1/3rd share therein at Karasur Revenue Village were acquired under Section 4(1) notification of Land Acquisition Act for the purpose of setting up Special Economic Zone by invoking Section 17(4) of Land Acquisition Act, 1894 which provides for special powers for acquisition in case of urgency. Respondents disbursed 80% of the proposed compensation as per section 17(3A) of Land Acquisition Act, 1894. Petitioner submits that a similarly placed land owner, one S.G.Jothy, whose lands were also acquired for the very same purpose, had preferred Reference application under Section 18 of Land Acquisition Act seeking enhancement of compensation and on reference, the same was taken on file as LAOP.No.110 of 2012 before the II Addl. District Court, Puducherry and by an award dated 01.12.2018, the compensation fixed by the Land Acquisition Officer was enhanced from Rs.13,700/- per Are to Rs.21,261/- per Are along with 30% solatium and 12% Additional Market value and with statutory interest.



4. It is the submission of the petitioner that though the petitioner's late father's lands were acquired for the same purpose under Section 4(1) notification, her father did not file any application under Section 18 of the Land Acquisition Act. However, petitioner being legal representative of her deceased father, is willing to receive the enhanced compensation that has been fixed in LAOP.No. 110 of 2012, filed by a similarly placed land owner, one S.G.Jothy. Therefore, in the light of the award passed in LAOP.No.110 of 2012, an application and representation was made to the 2nd respondent to re-determine the compensation awarded to the acquired lands on 22.03.2019 and 06.06.2024. However, the said application and representation has not been considered till date and the same has been kept pending without passing any orders. Hence, left with no other alternative remedy, the petitioner has preferred the present writ petition.

5. At the outset, it is submitted by the learned Govt. Advocate (Puducherry) appearing for the respondents that the representation of the petitioner seeking re-determination of the compensation would be considered



by the authorities in accordance with law and appropriate orders would be passed after affording an opportunity of personal hearing to the petitioner within a time frame to be fixed by this Court.

6. In view thereof, this court is inclined to dispose of the writ petition with the following directions;

i) The 2nd respondent shall consider the application and representation of the petitioner dated 22.03.2019 and 06.06.2024 seeking re-determination of compensation awarded to the petitioner and pass orders in accordance with law, after affording an opportunity of hearing to the petitioner.

ii) The entire process shall be completed within a period of twelve (12) weeks from the date of uploading of web copy without waiting for the receipt of certified copy.

iii) 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 matter on its



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own merits and in accordance with law. Rights and
contentions of the petitioner and all other interested
parties are left open.

No costs.

msr

05-08-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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605 001.

2.District Collector Revenue
1 Floor New Revenue Complex
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MOHAMMED SHAFFIQ J.

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