



WEB COPY

WA No. 1749 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-09-2025

CORAM

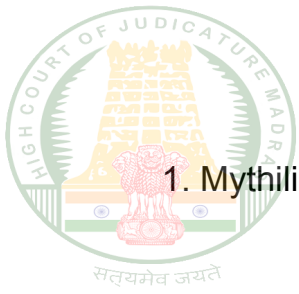
**THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE MOHAMMED SHAFFIQ**

WA No. 1749 of 2022

1. The Union of India represented
By the Secretary to Government,
Department of Revenue Disaster Management,
Government of Union Territory of Puducherry,
Puducherry.
2. The Secretary to Government
Department of Tourism,
Government of Union Territory of Puducherry,
Puducherry.
3. The land Acquisition officer-cum-Sub Collector,
Department of Revenue Diasteer Management,
Puducherry.
4. The Tahsildar
Department of Survey and land Records, Land
Acquisition Wing, Puducherry.

Appellant(s)

Vs



1. Mythili. R

WA No. 1749 of 2022



Respondent(s)

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PRAYER

To set aside the impugned order dated 22.07.2014 in WP.4806 of 2010 by allowing the above writ appeal.

For Appellant(s): Mr.J.Kumaran
Additional Government Pleader
(Puducherry)

For Respondent(s): Mr.K.R.Arun Shabari

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The writ order dated 22.07.2014 in W.P.No.4806 of 2010 is under challenge in the present Writ Appeal.

2. The Union of India, represented by the Secretary to Government, Government of Puducherry, is the 1st appellant. The respondent filed a writ petition challenging the award proceedings in a land acquisition, mainly on the ground that compensation has not been awarded in respect of the streets formed in an unapproved layout. Since the Writ Court allowed the writ petition, directing the appellants to pay compensation, the present writ appeal came to be instituted.

3. Learned Government Advocate for the appellants would mainly



contend that, though it is an unapproved layout, individual housing plots were sold by the promoters to various persons, and sale deeds were registered in favour of the purchasers of house sites/plots. Land acquisition proceedings were initiated against all the owners of the housing plots, and compensation also had been settled in favour of the owners of the housing plots individually. As far as the street is concerned, it is a public street within the definition of Section 2(36) of the Puducherry Municipalities Act, 1973. Therefore, the respondent, who was the promoter of the unapproved layout, is not entitled to claim compensation. That apart, the respondent has received the compensation in respect of the unsold housing sites retained by him in his name.

4. Learned counsel for the respondent would strenuously oppose by stating that it is an unapproved layout. Therefore, the streets are not gifted in favour of the local authority. In the absence of execution of gift deed, land vests with the promoter. Therefore, the compensation is to be awarded for the common areas and streets. That apart, the respondent has not sold all the housing plots, and retained some of the plots. Therefore, he is entitled for compensation in respect of the streets earmarked for the usage of the purchasers of housing plots.

5. This Court has considered the rival submissions made between the parties to the lis on hand.



6. The facts not controverted shows that the subject land had been acquired by the Government of Puducherry for public purposes in the year

2006. Prior to acquisition, an unapproved layout was formed by the respondent in the year 1997. House plots were sold to third parties individually. The individual plot owners were also subjected to land acquisition proceeding in respect of their land, and compensation had been settled in favour of the individual plot owners. Streets were formed during the formation of unapproved layouts. Those streets are public streets and meant for the usage of public in general. The streets are connecting the main road for the usage of public.

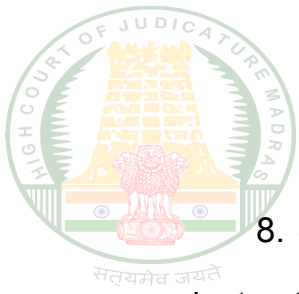
7. In this context, Section 2(36) of the Puducherry Municipalities Act defines *“public street” means any street, road, square, court, alley, passage or riding-path over which the public have a right of way, whether a thoroughfare or not, and includes ---*

(a) the roadway over any public bridge or causeway;

(b) the footway attached to any such street, public bridge or causeway;

(c) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lies on either side of the roadway up to the boundaries of the adjacent property whether that property is private property or property belonging to the Central Government or any State Government; and

(d) any street which under the provisions of this Act, becomes or is declared a public street;



8. Sub-section (35) to Section 2 of the Act defines the private street. A private street refers to an exclusively formed pathway. However, in the present case, it is a layout formed, and the housing plots were sold to third parties, and those housing plot owners received compensation in respect of acquisition of their own lands individually. That being so, the streets formed in an unapproved layout, whether gifted or not, vest with the local authority, since they are meant for public usage. Thus, the promoter, at later point of time cannot claim compensation for those public streets. In respect of the unapproved layouts, once the streets are formed and the housing plots are sold in favour of third parties, such streets does not vest with the promoter, but treated as public streets for the usage of general public. That being the principle, this Court is of the considered view that the respondent is not entitled to compensation in respect of the public streets, and consequently, the writ order impugned is set aside.

9. The Writ appeal stands allowed. Consequently, the connected miscellaneous petitions, if any, are closed. No costs.

(S.M.SUBRAMANIAM J.)(MOHAMMED SHAFFIQ J.)

25-09-2025

gd

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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**S.M.SUBRAMANIAM J.
AND
MOHAMMED SHAFFIQ J.**

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