



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.8179 of 2018

and

W.M.P. (MD) No.7730 of 2018

1.Poovan
2.A.Subramani
3.Patchai
4.Rasu

... Petitioners

vs.

1.The District Collector
Dindigul, Dindigul District

2.The Special District Revenue Officer
Land Acquisition
National Highways in N.H.209
Dindigul

3.The Project Manager
National Highways Authority of India(NHAI)
K.K.Nagar, Madurai-20

4.The Special Tahsildar
Land Acquisition
Natham, Dindigul District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from installing the proposed Toll Plaza in our agricultural land in S.No.232/2A1, 2A2, 2C, 239/1A1, 232/2B, 2D, 2E, 237/2B, 2D, 2F, 265/4B, 4E, 5B, 5E, 5L, 237/2A, 2C, 2G, 265/4D, 5A, 5B, 5K, 5M situated at Pudur Village, Natham Taluk, Dindigul District and further directing the respondents to change the proposal of the install the Toll Plaza in Government poromboke lands in Pudur Village S.No.229/1Band 229/1C and do not anyway interfere with our peaceful possession and enjoyment of our agricultural lands.

For Petitioners : Mr.G.Gomathi Sankar

For Respondents : Mr.N.Shanmuga Selvam

Additional Government Pleader



O R D E R

Mr.N.Shanmugaselvam, learned Additional Government Pleader, takes notice for the respondents.

2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

3. It is the grievance of the petitioners that their representations dated 28.02.2018 seeking to forbear the respondents from installing Toll Plaza in the subject land and not to interfere with their peaceful possession and enjoyment of the subject land, has not been considered by the respondents till date and therefore, they have filed the present writ petition.

4. This Court has not expressed any of its view with regard to the merits of the representations made by the petitioners. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioners' representations within a stipulated time

5. In view of the limited prayer sought for in this writ petition, there shall be a direction to the second respondent to consider the petitioners' representations dated 28.02.2018 on its own merits and take further action in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/
Assistant Registrar (Crl side)

/True copy/

Sub Assistant Registrar

To:

1.The District Collector,
Dindigul, Dindigul District.

2.The Special District Revenue Officer,
Land Acquisition,
National Highways in N.H.209,
Dindigul.



3.The Project Manager,
National Highways Authority of India (NHAI),
K.K.Nagar, Madurai-20.

4.The Special Tahsildar,
Land Acquisition,
Natham, Dindigul District.

+1cc to Mr.G.GOMATHI SANKAR, Advocate, SR.No. 61462

W.P. (MD) No.8179 of 2018
and
W.M.P. (MD) No.7730 of 2018
16.04.2018

KRK
KK/JC/26.04.2018/SAR-4/3P-6C