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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.10.2019**

CORAM:

THE HONOURABLE **MR.JUSTICE M.SUNDAR**

W.P(MD)No.19784 of 2019

1.N.R.S.K.Pandian
2.N.Paramasivan
3.B.Ayyasamy ... Petitioners

Vs.

1.The Secretary to Government,
Municipal Administration and Metrow Drainage Board,
Fort St.George,
Chennai-600 009.

2.The Commissioner of Municipal Administration,
Urban Administrative Office Campus,
M.R.C.Nagar, Raja Annamalaipuram,
Chennai-600 028.

3.The District Collector,
District Collector Office,
Thirunelveli District.

4.The Tahsildar,
Taluk Office,
Kadayanallur Taluk,
Tirunelveli District.

5.The Commissioner,
Puliyankudi Municipality,
Puliyankudi – 627 855.

6.The Special Tahsildar,
Survey and Settlement,
Puliyankudi – 627 855. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to take necessary action under Tamil Nadu Land acquisition and rehabilitation and resettlement Act 2013 (Act 13 of 2013) to award compensation with interest to the petitioners for the above said lands measuring about 34 cents situated at old S.No.835/1, 835/4, New T.S.No.31/1A-0, 13.85, Ward-B, Block-29 of Mela Puliyangudi, Puliyangudi Village, Kadayanallur Taluk, Tirunelveli District.

For Petitioner : Mr.S.Wilson

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For Respondents : Mr.M.Rajarajan
Government Advocate
for R.1 to R.5

ORDER

Mr.S.Wilson, learned counsel on record for writ petitioner is before this Court.

2. Mr.M.Rajarajan, learned Government Advocate accepts notice on behalf of respondents 1 to 5.

3. With consent of learned counsel on both sides, main writ petition is taken up, heard out and is being disposed of as this order is not adverse to sixth respondent.

4. The main writ petition turns on a very narrow compass, as it is one seeking mandamus qua disposal of writ petitioner's representation dated 19.05.2019 wherein writ petitioner has *inter alia* sought compensation for land that is being used as road on the ground that writ petitioner owns the said land. To be noted, this representation dated 19.05.2019 has been forwarded by the third respondent District Collector to the fourth respondent jurisdictional Tahsildar with a direction *inter alia* to conduct an enquiry on the said representation.

5. Notwithstanding several averments made in the affidavit filed in support of the writ petition, notwithstanding several grounds raised / contentions urged in the affidavit filed in support of instant writ petition, learned counsel for writ petitioner abridges the scope of the writ petition and submits that it will suffice if the fourth respondent is directed to dispose of the aforementioned representation of the writ petitioner, dated 19.05.2019, details of which have been alluded to supra.

6. Learned State counsel submitted that the fourth respondent is the authority who shall consider the aforementioned representation dated 19.05.2019 made by the writ petitioner (page Nos.9 to 11 of the typed set of papers forming part of the case file).

7. The aforesaid representation dated 19.05.2019 shall be disposed of by the fourth respondent on its own merits and in accordance with law as expeditiously as possible and in any event, within a period of eight (8) weeks from the date of receipt of a copy of this order.

8. It is made clear that in the course of the representation being considered by the fourth respondent, if the rights of any other third party / parties or any other third party entity /

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entities is / are likely to be affected, the fourth respondent shall give reasonable opportunity to such third party / parties or any other third party entity / entities, before disposing of the aforementioned writ petitioner's representation. Though obvious, it is made clear that this Court has not expressed any opinion or view on the merits of the matter.

9. The proceeding / order of disposal shall be communicated by the office of the fourth respondent to the writ petitioner under due acknowledgement within seven (7) working days from the completion of aforesaid exercise.

10. Instant Writ Petition is disposed of with the above directions. There shall be no order as to costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

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+1 CC to M/s.S. WILSON, Advocate (SR-90743[F] dated 01/10/2019)

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+1 CC to M/s.M. RAJARAJAN, Advocate (SR-90935[F] dated 03/10/2019)

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01.10.2019

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