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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. NO.10977 OF 2022

Mrs.Chandra

... Petitioner

Vs.

1. The District Collector,
Chengalpattu District,
Chengalpattu.
2. The Special District Revenue Officer (N.H.),
Mamallaburam - Puducherry Expressway Project,
Chengalpattu District.
3. The Deputy General Manager,
National Highways Authority of India,
No.DP 34, Sri Towers,
South Phase, 3rd Floor,
Guindy, Chennai-600 032.
4. The Project Director,
National Highways Authority of India,
No.7/16, Govindarajan Street,
Tambaram-West,
Chennai-600 045.

... Respondents

Prayer :

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the second respondent to consider the representation of the petitioner dated 12.01.2022 within the time frame stipulated by this Court.

For Petitioner : Mr.E.P.Senniyangiri

For Respondents : Mr.Yogesh Kannadasan,
Special Government Pleader



O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus to direct the second respondent to consider the representation of the petitioner, dated 12.01.2022, within the time frame that may be stipulated by this Court.

2. The case of the petitioner is that she is the absolute owner of the land, situated at S.No.219/13B2, Kottaikaddu Village, Cheyyur Taluk, Chengalpattu District, in which, she had constructed two separate houses, and living there along with her family members. While so, the Government proposed to acquire a part of the aforementioned land of an extent of 1197 sq.m. for widening East Coast Road Mamallapuram - Puducherry Expressway. The Government issued a Notification dated 21.12.2021 under Section 3G(3) of the National Highways Act, 1956, and the same was also published in the Gazette and in the newspapers. Further, on enquiry, the petitioner was orally informed that the compensation would be paid exactly to the portion of the building, which is the subject matter of acquisition.

2.1 The grievance of the petitioner is that if the pillar and foundation goes away, the remaining portion of the building will also lose its strength abruptly and due to the same, the building will become unusable for dwelling. In this regard, the petitioner made representation dated 12.01.2022 before the second respondent, seeking fair compensation for the entire building of the aforesaid land. As the said representation made by the petitioner has evoked no response from the respondents, the petitioner has filed the present Writ Petition.

3. The learned counsel for the petitioner submitted that, it would suffice, if this Court issues direction to the second respondent to consider the petitioner's representation dated 12.01.2022 and pass orders on the same, within a particular time frame that may be fixed by this Court.

4. The learned Special Government Pleader appearing for the respondents has no objection for said order being passed.

5. In view of the aforesaid submissions, this Court, without expressing any opinion on the merits of the case, directs the second respondent to consider the petitioner's representation dated 12.01.2022 and pass appropriate orders, on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



6. With the above directions, this Writ Petition is disposed of. No costs.

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Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

jd/rap

To

1. The District Collector,
Chengalpattu District,
Chengalpattu.
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No.7/16, Govindarajan Street,
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Chennai-600 045.

+1cc to Mr.E.P.Senniyangiri, Advocate, S.R.No.29828
+1cc to the Government Pleader, S.R.No.31052

W.P. No.10977 of 2022

GSM(CO)
AJ(06/06/2022)