



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.13664 of 2022 and
W.M.P.No.12920 of 2022

M.Venkatesan

...Petitioner

Vs.

1. The District Collector,
Office of the District Collector,
Thiruvallur District,
Thiruvallur.
2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.
3. Tahsildhar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District.
4. Revenue Inspector,
Office of the Tahsildhar,
Poonamallee Taluk,
Thiruvallur District.
5. Sri Lakshmi Homes Pvt, Ltd,
represented by its Sales Executive
M.Nandakumar

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forbear the respondents 1 to 4 from acquiring the petitioner's land in survey no. 189/1, Vayanallur Village, Poonamallee Taluk, Thiruvallur District, in pursuant to the expansion of 15 feet passage on the southern side of the petitioner's property.

For Petitioner : Mr.S.Sai Shankar

For Respondents : Mr.P.Sathish,
Additional Government Pleader
(for R.1 to R.4)



ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

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2. The petitioner herein had given a representation to the respondents 1 to 4 on 25.05.2022 requesting not to acquire his land in Survey No.189/1, Vayanallur Village, Poonamallee Taluk, Thiruvallur District. Since the said representation was not considered, the present writ petition has been filed.

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 25.05.2022 on its own merits and pass appropriate orders in accordance with law, within a period of three months from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Vacation Officer

//True Copy//

Sub Assistant Registrar

hvk

To

1. The District Collector,
Office of the District Collector,
Thiruvallur District,
Thiruvallur.



2. The Revenue Divisional Officer,
Office of the Revenue Divisional Officer,
Thiruvallur District,
Thiruvallur.

3. The Tahsildhar,
Poonamallee Taluk,
Poonamallee,
Thiruvallur District.

4. The Revenue Inspector,
Office of the Tahsildhar,
Poonamallee Taluk,
Thiruvallur District.

W.P.No.13664 of 2022

RSV (CO)
PR (16/06/2022)