

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32945 OF 2016

1.M.Shenbagam
2.S.Kannagi

...Petitioners

Vs.

1.The Divisional Engineer,
Highways Department,
Rasipuram Sub-Division,
Rasipuram, Namakkal District.

2.The Assistant Divisional Engineer,
Highways Department,
Namakkal Sub-Division,
Namakkal District.

3.The President,
Kaarkudalpatti-I Panchayat,
Rasipuram Taluk, Namakkal District.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider and dispose of the petitioners' representation dated 05.07.2016.

For Petitioners : Mr.A.S.Baalaji

For Respondents : Mr.P.Sathish, AGP

O R D E R

The petitioners have filed this writ petition seeking issuance of a Writ of Mandamus to direct the respondents to consider the petitioners' representation dated 05.07.2016 and dispose of the same as early as possible.

2. The case of the petitioners is that the properties comprised in Resurvey Nos.248/1, 248/3, 253/1A, 253/1C and 248/4, measuring an extent of 4.07 cents, 1.72 cents 2.32 cents, 0.73 cents and 0.65 cents respectively were allotted in favour of the petitioners, vide, registered Settlement deed dated

01.07.2004 bearing Doc.No.763 of 2004 executed by their father namely, N.P.Muthusamy. Subsequently, the land comprised in Resurvey No.253/1B, measuring an extent of 0.65 cents was also allotted in favour of the petitioners, vide, Will dated 14.03.2006 executed by their father. Whiles, the respondents without following the due process of law has encroached the subject lands and laid Panchayat road. Aggrieved by the same, the petitioners' father sent several representations to the concerned authorities seeking payment of compensation for the acquired lands, however, there was no response. Thereafter, the petitioners made a representation dated 05.07.2016 before the respondents, seeking payment of compensation, however, till date, no orders have been passed on the said representation. Hence, this Writ petition.

3. Though very many grounds have been raised, learned counsel for the petitioners submitted that it would suffice if this Court issues direction to the respondents to consider the petitioners' representation dated 05.07.2016 and pay the compensation to the petitioners as early as possible.

4. Learned Additional Government Pleader appearing on behalf of the 1st and 2nd respondents has no objection for said order being passed and he fairly conceded that the petitioners' representation dated 05.07.2016 will be considered and appropriate orders will be passed within the time stipulated by this Court.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the 1st and 2nd respondents to consider the petitioners' representation dated 05.07.2016 on merits and in accordance with law and pass appropriate orders, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is accordingly disposed of. No costs.

Sd/-

Assistant Registrar(CCC)

// True Copy //

Sub Assistant Registrar

skt

To

1.The Divisional Engineer,
Highways Department,
Rasipuram Sub-Division,
Rasipuram, Namakkal District.

2.The Assistant Divisional Engineer,
Highways Department,
Namakkal Sub-Division,
Namakkal District.

3.The President,
Kaarkudalpatti-I Panchayat,
Rasipuram Taluk, Namakkal District.

+1cc to the Government Pleader Sr.No.39649

W.P.No.32945 of 2016

PL(CO)
RVM(19/07/2022)