



WEB COPY

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED : 03.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.14122 OF 2022

AND

W.M.P.NO.13351 OF 2022

M/s.Akhil Infrastructure Private Ltd.,
Rep. by it's Authorized Representative,
Ganesh.

... Petitioner

.Vs.

1. The Union of India
Rep. by its Secretary to Government,
Department of Revenue and Disaster Management,
Government of Puducherry,
Puducherry.
2. The District Collector,
Karaikal.
3. The Deputy Collector (Revenue),
Karaikal.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent to consider and pass appropriate orders on the petitioner's application dated 09.09.2021 seeking permission for shifting of available soil in the petitioner's lands for the private and government works in the Karaikal region within such time as may be fixed by the Court.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.P.Kumaresan
Additional Government Pleader
(Puducherry)



ORDER

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

2. The petitioner herein had given a representation to the third respondent on 09.09.2021 seeking permission for shifting the available soil in the petitioner's lands for private and government works in Karaikal region within such time as may be fixed by the Court. 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 third respondent herein to consider petitioner's representation dated 09.09.2021 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks 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, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

grs/asr



To

1. The Secretary to Government,
Department of Revenue and Disaster Management,
Government of Puducherry,
Puducherry.

2. The District Collector,
Karaikal.

3. The Deputy Collector (Revenue),
Karaikal.

+1cc to Mr.T.Sai Krishnan, Advocate, S.R.No.32118

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NK(CO)
PBS/20/06/2022