

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.14391 of 2022

K.Swaminathan

...Petitioner

Vs.

1. The Principal Secretary
Government of Tamil Nadu
Highways and Minor Ports Department
Secretariat, Chennai 600 009.
2. The Director General
Highways Department
76, Sardar Patel Road
Guindy, Chennai 600 025.
3. The District Collector
Chennai District
Rajaji Salai, George Town
Chennai 600 001.
4. The Tahsildar
Maduravoyal Taluk
Ganesh Nagar, Porur
Chennai 600 116.
5. The Chief Engineer
Highways Construction
Guindy, Chennai 600 025.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 2nd February, 2022 and pass appropriate orders thereon within a time frame as may be fixed by this Court.

For Petitioner : Mr.K.Surendar

For Respondents : Mr.P.Sathish
Additional Government Pleader

O R D E R

This petition has been filed for issuance of Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 2nd February, 2022 and pass appropriate orders thereon within a time frame as may be fixed by this Court.

2. The case of the petitioner is that the petitioner is the sole and absolute owner of the land admeasuring an extent of 3591 sq.ft, comprised in new S.F.No.116/307A1E, Old S.F.No.116/2A1, Valasaravakkam Village, Maduravoyal Taluk, Chennai District and afterwards, the petitioner came to know that a portion of his aforesaid land to an extent of 1800 sq.ft has been used for expansion of Arcot Road at Chennai without his knowledge. Hence, the petitioner has sent an application under the Right to Information Act to the Highways Department seeking details of the nature of the purported acquisition of his land and the said application has not evinced any response and thereafter, the petitioner had sent a representation to the respondents 1 to 4 seeking either to handover the vacant possession or to pay adequate compensation in terms of the Right to Fair Compensation Act and upon receipt of the said representation, the 2nd respondent has forwarded the same to the 5th respondent for taking necessary action. However till date no response is forthcoming. Hence, the petitioner has filed this Writ Petition.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 5th respondent to consider the petitioner's representation dated 02.02.2022 and pass orders on the same within a particular time frame fixed by this Court.

4.The learned Additional Government Pleader 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 5th respondent to consider the petitioner's representation dated 02.02.2022 on merits and in accordance with law and pass appropriate orders after affording opportunity to the necessary parties, within a period of twelve weeks from the date of receipt of a copy of this order. This writ petition is accordingly disposed of. No costs.

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

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.K.Surendar, Advocate SR. No. 33357

+1cc to State Government Pleader SR. No. 34212

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GP (CO)
PR (06/07/2022)