



W.P.No.4678 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.4678 of 2023

P.Maheswaran

...Petitioner

Vs

1.The District Collector,
Office of the District Collector,
Coimbatore – 641 018.

2.The Special Tahsildar,
Land Acquisition,
Office of the District Collector,
Coimbatore – 641 018.

3.The Assistant Director of Survey,
District Survey and Land Records Department,
Collectorate Building,
Coimbatore – 641 018.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 to consider the representation dated 14.07.2022 and to further notify the petitioner with immediate effect as to whether the property situated in Annai Sandhya Nagar in T.S. No.46/1, Ward No.33, Block No.3, having Sub-division No:324/1A1 and Site No:123 is the subject matter of the



W.P.No.4678 of 2023

WEB COPY

land acquisition proceedings of the Coimbatore Airport Authority.

For Petitioner : Mr.S.V.Pravin Rathinam

For Respondents : Mr.V.Veluchamy,
Additional Government Pleader

ORDER

Heard Mr.S.V.Pravin Rathinam, learned counsel for the petitioner and Mr.V.Veluchamy, learned Additional Government Pleader for the respondents.

2.The petitioner herein had given a representation to the respondents on 14.07.2022 to notify him with immediate effect as to whether the property situated in Annai Sandhya Nagar in T.S. No.46/1, Ward No.33, Block No.3, having Sub-division No.324/1A1 and Site No.123 is the subject matter of the land acquisition proceedings of the Coimbatore Airport Authority. Since the said representation was not considered, the present writ petition has been filed.



W.P.No.4678 of 2023

WEB COPY

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 respondents herein to consider the petitioner's representation dated 14.07.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner as well as all other persons who may be interested in the subject property, within a period of twelve weeks from the date of receipt of a copy of this order.



WEB COPY



W.P.No.4678 of 2023

M.S.RAMESH,J.

vga

5.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.

6. With the above direction, the Writ Petition stands disposed of.

No costs.

24.03.2023

Index:Yes/No

Speaking order/Non-speaking order

vga

To

- 1.The District Collector,
Office of the District Collector,
Coimbatore – 641 018.
- 2.The Special Tahsildar,
Land Acquisition,
Office of the District Collector,
Coimbatore – 641 018.
- 3.The Assistant Director of Survey,
District Survey and Land Records Department,
Collectorate Building,
Coimbatore – 641 018.

W.P.No.4678 of 2023