



W.P.No.2862 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.2862 of 2023

T.M.Durai

...Petitioner

Vs

1.The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai - 600 009.

2.The Secretary,
Hindu Religious and Charitable
Endowment Department,
Fort St. George, Chennai - 600 009.

3.The District Collector,
Tiruvallur District, Tiruvallur.

4.The Commissioner,
Hindu Religious and Charitable
Endowment Department,
The Administration Department,
Nungambakkam, Chennai - 600 034.

5.The Revenue Division Officer
(Land Acquisition Officer),
Tiruvallur District, Tiruvallur.



W.P.No.2862 of 2023

6.The Tahsildar,
Tiruttani Taluk,
Tiruvallur District - 631 209.

7.The Executive Officer,
Arulmigu Subramaniya Swamy
Devasthanam, Tiruttani,
Tiruvallur District - 631 209.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to consider the petitioner's representation dated 30.03.2022 by returning his land in Survey No.347/2 with an extent of 50 cents, which is not utilized for the acquired purpose for more than 40 years or any other public purpose.

For Petitioner	: Mr.S.Nagarajan
For R1 to R3, R5 & R6	: Mr.R.P.Murugan Raja, Government Advocate
For R4	: Mr.M.Rajendran, Additional Government Pleader
For R7	: Mr.P.Gopalan

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal.



W.P.No.2862 of 2023

WEB COPY

2. The petitioner herein had given a representation to the respondents on 30.03.2022 to return his land in Survey No.347/2 with an extent of 50 cents, which was acquired by the Government. 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 him 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 fourth and fifth respondents herein to consider the petitioner's representation dated 30.03.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the



W.P.No.2862 of 2023

WEB COPY

petitioner, 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.

27.03.2023

Index: Yes/No

Speaking order/Non-speaking order

hvk

To

1. The Secretary,
Government of Tamil Nadu,
Revenue Department,
Fort St. George, Chennai - 600 009.

2. The Secretary,
Hindu Religious and Charitable
Endowment Department,
Fort St. George, Chennai - 600 009.

3. The District Collector,
Tiruvallur District, Tiruvallur.



W.P.No.2862 of 2023

WEB COPY

4. The Commissioner,
Hindu Religious and Charitable
Endowment Department,
The Administration Department,
Nungambakkam, Chennai - 600 034.
5. The Revenue Division Officer
(Land Acquisition Officer),
Tiruvallur District, Tiruvallur.
6. The Tahsildar,
Tiruttani Taluk,
Tiruvallur District - 631 209.
7. The Executive Officer,
Arulmigu Subramaniya Swamy
Devasthanam, Tiruttani,
Tiruvallur District - 631 209.



WEB COPY



W.P.No.2862 of 2023

M.S.RAMESH,J.

hvk

W.P.No.2862 of 2023

27.03.2023