



WEB COPY



W.P.No.11992 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11992 of 2023 & WMP.No.11844 of 2023

R.Radhakrishnan

...Petitioner

Vs

- 1.The Principal Secretary, State
of Tamil Nadu, Transport
Department, Fort St.George,
Chennai-9.
- 2.The District Collector,
Coimbatore District Collectorate
Office, Coimbatore-641018.
- 3.The Revenue Divisional Officer,
Land Acquisition, Airport Authority
of India, Coimbatore Airport,
Collectorate Office, Coimbatore.
641018.
- 4.The Special Tahsildar, Land
Acquisition, Runway Airport
Authority of India, Collectorate
Office Building, Coimbatore
District, Coimbatore-641018.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent - District Collector, Coimbatore to determine the compensation amount for the petitioner's land in S.F.Nos.648/1C4 and 648/1C5 at extent of 40 cents to be acquired out of the total 88 cents with an industrial building of 8700 sq.ft. to be acquired out of total 13050 sq.ft. at Kalapatti Village, Coimbatore District in possession and enjoyment of the petitioner under Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013) or as per the directions of the Division Bench orders dated 18.08.2020 made in W.P.No.2116 of 2017 considering the representation dated 17.8.2022 of this petitioner.

For Petitioner : Mr.S.Parthasarathi

For Respondents : Mr.P.Sathish,
Additional Government Pleader

ORDER

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

2. The petitioner has filed this writ petition seeking a direction to the second respondent to consider his representation dated 17.8.2022 to



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determine the compensation amount for the petitioner's land in S.F.Nos. 648/1C4 and 648/1C5 for an extent of 40 cents to be acquired out of the total 88 cents with an industrial building of 8700 sq.ft. to be acquired out of total 13050 sq.ft. at Kalapatti Village, Coimbatore District under Sections 26 to 30 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (Act 30/2013) or as per the directions of the Division Bench orders dated 18.8.2020 made in W.P.No.2116 of 2017

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 him to consider the same within a stipulated time.



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4. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 17.8.2022, 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 eight 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 WMP is closed.

20.4.2023

Index: Yes/No

Speaking order/Non-speaking order

To

1. The Principal Secretary, State of Tamil Nadu, Transport Department, Fort St. George, Chennai-9.
2. The District Collector, Coimbatore District Collectorate Office, Coimbatore-641018.
3. The Revenue Divisional Officer, Land Acquisition, Airport Authority of India, Coimbatore Airport, Collectorate Office, Coimbatore. 641018.



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M.S.RAMESH,J.

RS/SNI

4.The Special Tahsildar, Land Acquisition, Runway Airport
Authority of India, Collectorate Office Building, Coimbatore
District, Coimbatore-641018.

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