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W.P.No.7136 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.7136 of 2023

1.S. Jayalakshmi

2.J. Vijaya Swarnalatha

... Petitioners

Vs.

1.The District Collector,
Kancheepuram,
Industrial SIPCOT – LA Department,
Kancheepuram District – 602 105.

2.The Special Deputy Collector, (LA),
SIPCOT Mannur,
Valarpuram, Nemili Scheme,
No.14/43, Govinda Medu Street,
Near Taluk Office,
Sriperumbudur,
Kancheepuram District – 602 105.

3.The Special Tahsildar, (LA),
SIPCOT Mannur,
Valarpuram, Nemili Scheme,
No.14/43, Govinda Medu Street,
Near Taluk Office,
Sriperumbudur,
Kancheepuram District – 602 105.

... Respondents



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PRAYER : Writ Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to refer the matter to the competent Court and register the same as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for the enhancement of compensation for land acquired from the petitioners in Survey No.6/1A and 6/1B situated at Plot No.634 measuring an extent of 4800 sq.ft. in Manure Vijayam Sowbhagya Co-operative Society Layout, Nemili Village.

For Petitioner : Mr.K. Sivasubramanian

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

ORDER

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

2. The petitioner herein had given a representation to the second respondent on 20.08.2020, requesting for revision of compensation for the land acquired along with applicable interest for the delayed payment. Subsequently, he sent a reminder on 03.10.2020. Since the said representations were not considered, the present Writ Petition has been filed.



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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 the 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 03.10.2020, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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 respondents to consider the same on its own merits.



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M.S.RAMESH, J.

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5. With the above direction, the Writ Petition stands ordered. No costs.

14.03.2023

Speaking/Non-speaking Order
Index: Yes/No

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To

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