



WEB COPY



W.P.No.8113 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8113 of 2023

S.Kandasamy

...Petitioner

Vs

1.The District Collector,
Dharmapuri District.

2.The Special Tahsildar (Land
Acquisition), Adhi-Dravidar
Welfare Department,
Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and pass orders on the petitioner's representation dated 10.11.2022 in regard to make reference to District Court for determining higher compensation within a stipulated time as fixed by this Court.

For Petitioner : Mr.P.M.Jayachandran

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



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ORDER

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

2. The petitioner inherited the property comprised in S.No.91/1A measuring an extent of 0.19.0 acre. The said land was acquired by the second respondent and an award was passed by the Subordinate Court, Dharmapuri on 17.4.2004 against the father of the petitioner. Further, the father of the petitioner received the award amount under protest. The father of the petitioner died on 22.4.2015. As there was a direction given by the Subordinate Court to refer the matter to the concerned District Court, the petitioner herein had given a representation dated 10.11.2022 to the first respondent seeking to refer the matter to the District Court concerned for determining enhancement of compensation. Since the said representation has not yet been considered, the above 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 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.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation dated 10.11.2022, 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.



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M.S.RAMESH,J.

RS/SNI

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

No costs.

16.03.2023

Index: Yes/No

Speaking order/Non-speaking order

To

1.The District Collector,
Dharmapuri District.

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(Acquisition), Adhi-Dravidar
Welfare Department,
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