



WEB COPY



W.P.No.7966 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.7966 of 2023

- 1.P.R.Arumainathan
- 2.Mrs.Nirmala
- 3.Mrs.Amala
- 4.Mrs.Motchamary

...Petitioners

Vs

- 1.The State of Tamil Nadu,
Rep by its Secretary to Government,
Industries Department,
Fort St.Geroge,
Chennai-600 009.
- 2.State Industries Promotion Corporation,
of Tamil Nadu Limited (SIPCOT),
Rep by its Managing Director.
No.19-A, Rukmani Kakshmipathy Road,
Egmore, Chennai-600 008.
4. The District Collector,
Kancheepuram District,
Kancheepuram-631 050.
- 5.Special Deputy Collector (Land Acquisition),
Mannur-Vallarpuram Nemili Scheme,
SIPCOT (E) Sriperumbudur, Kancheepuram District.



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6. The Special Tahsildar (Land Acquisition),
Mannur-Vallarpuram Nemili Scheme,
SIPCOT (E) Sriperumbudur,
Kancheepuram District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the representation dated 17.11.2021 and complete the proceedings for determination of the compensation under Section 7 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act (Tamil Nadu Act 10 of 1999) with respect of the acquisition of the land of the petitioners of an extent of 0.36 cents situated in Survey No.19/9, Block No.15, Unit-2, Patta No.707 of Nemili Village, Sriperumbudur Taluk, Kancheepuram District acquired for the SIPCOT Mannur-Vallarpuram-Nimili Scheme Industrial Purpose within a time frame to be fixed by this Court.

For Petitioners : Mr.I.Jesu
For Respondents : Ms.Akila Rajendran
Government Advocate

ORDER

The petitioners herein have given a representation to the respondents on 17.11.2021 seeking for a direction to the respondents to consider the representation dated 17.11.2021 and complete the proceedings for determination of the compensation under Section 7 of the Tamil Nadu



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Acquisition of Land for Industrial Purposes Act (Tamil Nadu Act 10 of 1999)

with respect of the acquisition of the land of the petitioners of an extent of 0.36 cents situated in Survey No.19/9, Block No.15, Unit-2, Patta No.707 of Nemili Village, Sriperumbudur Taluk, Kancheepuram District acquired for the SIPCOT Mannur-Vallarpuram-Nimili Scheme Industrial Purpose. Since the said representation was not considered, the present writ petition has been filed.

2. 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.

3. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioners representation dated 17.11.2021



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on its own merits and pass appropriate orders in accordance with law, 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 petitioners and that it is open to the respondents to consider the same on its own merits.

4. With the above direction, the Writ Petition stands disposed of. No costs.

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Index: Yes/No
Speaking order/Non-speaking order
sr



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M.S.RAMESH,J.,

SR

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