



W.P.No.9037 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9037 of 2023

1.S.Fathima Jinna
2.S.Abdullah

...Petitioners

Vs

- 1.The District Collector,
Tiruvallur District.
- 2.The Revenue Divisional Officer,
Revenue Divisional Office,
Thiruvallur.
- 3.The Special Tahsildar,
Land Acquisition Unit,
Thiruvallur.
- 4.The Tahsildar,
Thiruvallur Taluk,
Thiruvallur.
- 5.The Chennai Metro Rail Limited,
Metro, Anna Salai,
Nandhanam, Chennai - 35.
- 6.The Tamil Nadu Highways Department,
No.76, Sardar Patel Road,
Chennai - 25.

...Respondents



W.P.No.9037 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to dispose of the representation of the petitioners dated 11.01.2023 and to give suitable compensation or alternative place to the petitioners as a compensation measure for the land acquisition activities by the respondents.

For Petitioners : Ms.G.Gayathri

For R1 to 4 & R6 : Mr.P.Sathish,
Additional Government Pleader

For R5 : Mrs.Rita Chandrasekar

ORDER

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

2. The petitioners herein had given a representation to the respondents on 11.01.2023, seeking for compensation or alternative place as a compensation measure for the land acquisition done by the respondents. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.No.9037 of 2023

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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 them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioners' representation dated 11.01.2023, on its own merits and in accordance with law, after giving opportunity to the petitioner, within a period of four 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 made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.



W.P.No.9037 of 2023

WEB COPY

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

No costs.

24.03.2023

Index: Yes/No

Neutral Citation: Yes/No

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To

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W.P.No.9037 of 2023

M.S.RAMESH,J.

hvk

W.P.No.9037 of 2023

24.03.2023