



WEB COPY



W.P.No.7811 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.7811 of 2023

- 1.V.Raji
- 2.V.Nandakumar
- 3.V.Vinayagam

...Petitioners

Vs

1. National Highways Authority of India,
Rep by its Project Director,
In charge of NH4,
No D P 34, Sri Towres, South Phase,
3rd Floor, Guindy,
Chennai-600 032,
Near Olympia Industrial Estate.
2. The District Collector, Thiruvallur,
District Collector Office,
Master Plan Complex NH-205,
First Floor, Collectorate,
Thiruvallur District-602 001.
3. The Competent Authority &
Special District Revenue Officer (Land Acquisition),
Having Office at Collectorate Office,
Master Plan Complex NH 205, Chennai-Tiruttani Highway,
Thiruvallur, Chennai-602001.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to
issue a Writ of Mandamus directing the second respondent to dispose of the



W.P.No.7811 of 2023

petitioners' applications dated 05.12.2022 for interest and solatium under Sections 23(1-A), 23(2), 28 and 34 of the repealed Land Acquisition Act 1894 as amended which was sent by registered post and same was delivered on 08.12.2022 under Section 3G(5) of the National Highways Act 195 as amended within a time frame.

For Petitioners : Mr.David Tyagaraj
For Respondents : Ms.S.R.Sumathi
For R.1
Mr.P.Sathish
AGP
For R.2 and R.3

ORDER

The petitioners herein have given a representation to the respondents on 05.12.2022 seeking for a direction to the second respondent to dispose of the petitioners' applications dated 05.12.2022 for interest and solatium under Sections 23(1-A), 23(2), 28 and 34 of the repealed Land Acquisition Act 1894 as amended which was sent by registered post and same was delivered on 08.12.2022 under Section 3G(5) of the National Highways Act 195 as amended. Since the said representations were 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



W.P.No.7811 of 2023

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 second respondent herein to consider the petitioners' representations dated 05.12.2022 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 second respondent to consider the same on its own merits.

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

15.03.2023

2/2

Index:Yes/No

Speaking order/Non-speaking order

sr

M.S.RAMESH,J.,



W.P.No.7811 of 2023

SI

WEB COPY

To

1. National Highways Authority of India,
Rep by its Project Director,
In charge of NH4,
No D P 34, Sri Towres, South Phase,
3rd Floor, Guindy,
Chennai-600 032,
Near Olympia Industrial Estate.
2. The District Collector, Thiruvallur,
District Collector Office,
Master Plan Complex NH-205,
First Floor, Collectorate,
Thiruvallur District-602 001.
3. The Competent Authority &
Special District Revenue Officer (Land Acquisition),
Having Office at Collectorate Office,
Master Plan Complex NH 205, Chennai-Tiruttani Highway,
Thiruvallur, Chennai-602001.

W.P.No.7811 of 2023

2/2

15.03.2023