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W.P.No.8126 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.8126 of 2023

Arun Rodrigo

...Petitioner

Vs

1.The District Collector,
Kanchipuram, I Floor,
Collectorate,
Kanchipuram-631501.

2.The Special Tahsildar (LA),
Mannur-Valarpuram-Nemili
Scheme, SIPCOT Project Office,
INDL Park, Irungattukottai,
Pennalur Post, Sriperumbudur
Taluk, Kanchipuram-602105.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to consider and pass necessary orders on the representation of the petitioner dated 29.11.2022 as forwarded by the 1st respondent.

For Petitioner : Ms.P.G.Aishwariya
For Respondents : Mr.J.Ravindran, AAG assisted by
Mr.Yogesh Kannadasan,
Special 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 claims that he is the absolute owner of plot No.639 comprised in S.No.2/2, No.50, Mannur Village, Sriperumbudur Taluk, Kanchipuram District measuring 4,800 sq.ft., by virtue of a sale deed dated 30.8.2006 registered as Doc.No.15424 of 2006 on the file of the Sub-Registrar, Sriperumbudur. Later, he came to know that the said property had been acquired by the Small Industries Promotion Corporation of Tamil Nadu Limited. According to the petitioner, he did not receive any notice for acquiring the said property nor there was any public notice under the relevant provisions. Hence, the petitioner herein had given a representation dated 29.11.2022 to the respondents seeking to furnish a copy of the acquisition proceedings so as to enable him to file written objections and pass a speaking order after affording an opportunity. Since the said representation has not yet been considered, the above writ petition has been filed.



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3. It is seen that vide proceedings dated 10.1.2023, the first respondent forwarded the said representation of the petitioner to the second respondent for necessary action. However, nothing was forthcoming.

4. 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.

5. In the light of the above observations, there shall be a direction to the second respondent herein to consider the petitioner's representation dated 29.11.2022, 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,



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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 petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

To

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M.S.RAMESH,J.

RS/SNI

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