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W.P.No.8434 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.8434 of 2023

1.Neelavathi

2.Annapoorani

...Petitioners

Vs

1.The District Collector,
Office of the District Collector,
Coimbatore-641018.

2.The District Revenue Officer
(Land Acquisition),
Coimbatore-641018.

3.The Revenue Divisional Officer,
Coimbatore-641018.

4.The Divisional Engineer,
Highways, C&M,
Coimbatore-641018.

5.The Member Secretary,
District Town Planning Authority,
Coimbatore.

6.The Tahsildar, Perur Taluk,
Coimbatore District.

7.N.Raju

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent to grant 1/2 of the compensation amount to be allotted for acquiring the land to an extent of 0.67 cents in S.No.57/1A in Theethipalayam Village, Perur Taluk, Coimbatore District to the petitioners by considering the petitioners' representation dated 12.05.2021.

For Petitioners : Mr.A.Thiyagarajan

For Respondents 1 to 6 : Mr.R.P.Murugan Raja,
Government Advocate

ORDER

Heard the learned counsel for the petitioners and the learned Government Advocate accepting notice for the official respondents. Since this Court is directing the second respondent to consider the petitioners' representation after giving notice to all the parties concerned, notice to the private respondent is dispensed with.

2. The land measuring an extent of 2.15 acres in S.No.57/1A, Theethipalayam Village, Perur Taluk, Coimbatore District was purchased by the petitioners' maternal grandfather by virtue of a sale deed dated 25.5.1970. During the life of their maternal grandfather, he bequeathed



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an extent of 1.07 1/2 acres in the said property in favour of the mother of the petitioners herein by way of a Will dated 24.5.1974 registered as Doc. No.60 of 1974. In respect of the remaining property viz another 1.07 1/2 acres, there was no testament executed by the petitioners' maternal grandfather. The maternal grandfather of the petitioners died on 27.1.1975 leaving behind him the mother of the petitioners and his son one Nanjappa Gounder. The said Nanjappa Gounder and his wife died respectively on 12.12.2012 and 15.1.2017 leaving behind them their son one Raju - the 7th respondent herein. The mother of the petitioners died on 30.7.2003. The petitioners are entitled to equal half share in 1.07 1/2 acres out of the entire extent of 2.15 acres in the property in question. The petitioners came to understand that steps are being taken to acquire a portion of the land in question to an extent of 0.67 acre for the purpose of forming Western Ring Road to Coimbatore City. According to the petitioners, as per the proceedings of the fourth respondent dated 24.4.2019, the names of the owners of the land in question are shown as Mrs.Ayyammal, W/O Late Nanjappa Gounder and Mr.N.Raju, S/O Nanjappa Gounder, who is none other than the seventh respondent. Apprehending that the seventh respondent would take advantage of the



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situation and would receive the entire compensation, the petitioners sent a representation dated 12.5.2021 to the second respondent to grant half of the compensation to the petitioners on the one hand and another half of the compensation to the seventh respondent herein on the other hand. Since nothing was forthcoming, the petitioners are before this Court.

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 second respondent herein to consider the petitioners' representation dated 12.05.2021, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners and



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the private respondent herein, as well as all other persons who may be interested in the subject property, 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 of the petitioners and that it is open to the concerned respondent to consider the same on its own merits.

5. 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

- 1.The District Collector, Office of the District Collector, Coimbatore-641018.
- 2.The District Revenue Officer (Land Acquisition), Coimbatore-641018.
- 3.The Revenue Divisional Officer, Coimbatore-641018.
- 4.The Divisional Engineer, Highways, C&M, Coimbatore-641018.
- 5.The Member Secretary, District Town Planning Authority, Coimbatore.
- 6.The Tahsildar, Perur Taluk, Coimbatore District.

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M.S.RAMESH,J.

RS/SNI

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