



W.P.No.12244 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.4.2023

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**W.P.No.12244 of 2023**

C.Vigneswaran

...Petitioner

Vs

1.The District Collector,  
Dharmapuri District,  
Dharmapuri.

2.The Competent Authority &  
Special District Revenue Officer -  
Land Acquisition, National  
Highways - 844 (Hosur -  
Royakottai - Dharmapuri Section),  
Dharmapuri.

3.The Project Director (NH 844),  
National Highways Authority of  
India, PIU - Krishnagiri,  
259/1, Salem Main Road,  
Near KAKC Petrol Bunk,  
Krishnagiri.

4.The Special Tahsildar (LA),  
National Highways - 844  
(Hosur - Royakottai - Dharmapuri  
Section), Dharmapuri.

...Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of



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India to issue a Writ of Mandamus directing the respondent authorities to identify, measure and fix the boundaries in respect of the petitioner's remaining land after acquisition in respect of the petitioner's land measuring 274 sq.mtrs in S.No.224/1J2 and 944 sq.mtrs in S.No.224/1E1 in Velagahalli Village, Palacode Taluk, Dharmapuri District and also to issue the NOC for remaining land after acquisition and to act upon the representations of the petitioner dated 26.10.2022 and 30.10.2022 and directing the 2nd and the 4th respondents authorities to withdraw the compensation award dated 30.6.2022 amount of Rs.3,32,071/- from the Sub-Court, Palacode, Dharmapuri District and to deposit the same into the petitioner's bank account, who is the owner of the property.

|                             |   |                                                  |
|-----------------------------|---|--------------------------------------------------|
| For Petitioner              | : | Mr.S.Thankasivan for<br>Mr.R.Ramesh Raja         |
| For Respondents<br>1, 2 & 4 | : | Mr.V.Veluchamy,<br>Additional Government Pleader |
| For Respondent-3            | : | Mr.Su.Srinivasan                                 |

### **ORDER**

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

2. The petitioner has filed this writ petition seeking to direct the respondent authorities to identify, measure and fix the boundaries in



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respect of the petitioner's remaining land after acquisition measuring 274 sq.mtrs in S.No.224/1J2 and 944 sq.mtrs in S.No.224/1E1 in Velagahalli Village, Palacode Taluk, Dharmapuri District, issue the NOC for remaining land after acquisition, act upon the representations of the petitioner dated 26.10.2022 and 30.10.2022 and direct the 2nd and the 4th respondents authorities to withdraw the compensation award dated 30.6.2022 amount of Rs.3,32,071/- from the Sub-Court, Palacode, Dharmapuri District and deposit the same into the petitioner's bank account.

3. It is needless to point out that whenever a representation of this nature is made to Statutory Authorities, there is a duty cast upon them 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 Authorities 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.



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4. In the light of the above observations, there shall be a direction to the respondents to consider the petitioner's representation dated 30.10.2022 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, 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.

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

No costs.

**21.4.2023**

Index: Yes/No

Speaking order/Non-speaking order

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**M.S.RAMESH,J.**

RS/SNI

To

- 1.The District Collector, Dharmapuri District,  
Dharmapuri.
- 2.The Competent Authority & Special District  
Revenue Officer - Land Acquisition,  
National Highways - 844 (Hosur -  
Royakottai - Dharmapuri Section), Dharmapuri.
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