



W.P.No.9616 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9616 of 2023

1.Jayendra Babubhai Kamdhar
2.Marline Jayendra Babubhai Kamdhar ...Petitioners

Vs

1.The District Collector,
Thiruvallore District.

2.The District Revenue Officer,
Land Acquisition,
Chennai Peripheral Ring Road Project,
SIDCO Complex, Ambattur,
Chennai.

3.The Special Tahsildar,
Land Acquisition,
Chennai Peripheral Ring Road Project,
Ponneri, Thiruvallore District. ...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to forthwith refer the petition for enhancement of compensation made by the petitioner on 10th October 2011 as per Section 64 of the RFCTLARR 2013 Act read with Section 20 of the Tamil Nadu Highways Act 2001 in respect of the lands of the petitioners of an extent of 5770 square meters in Survey Nos.4/3B, 4/6B,



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4/7, 4/8B and 114/1A2B Jagannathapuram 1 and 2 [Block 2] Ponneri,
Thiruvallore.

For Petitioners : Mr.L.Palanimuthu

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader

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 joint representation to the respondents on 10.10.2022 to refer the matter to the concerned authority for enhancement of compensation. Since the said representation was not considered, the present writ petition has been filed.

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



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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 first respondent herein to consider the petitioners' representation dated 10.10.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners, as well as all other persons who may be interested in the subject property, within a period of six 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
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M.S.RAMESH,J.

hvk

To

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