



W.P.No.9097 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9097 of 2023

G.Ezhilarasan

...Petitioner

Vs

- 1.The Principal Secretary,
Housing and Urban Development Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector,
District Collectorate, Chennai,
Singaravelar Maaligai,
Rajaji Salai, Chennai - 600 001.
- 3.The Commissioner of Land Administration,
The Land Administration Commissionerate,
Ezhilagam, Chepauk, Chennai - 600 005.
- 4.The Member Secretary,
Chennai Metropolitan Development Authority,
Thalamuthu Natarajan Complex,
Gandhi Irwin Road, Egmore,
Chennai - 600 008.
- 5.The Special Tahsildar (Land Acquisition),
Mass Rapid Transit System, Phase II Extn.,
Thirumayilai Station, Mylapore,
Chennai - 600 004.

...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 respondents to consider my representation dated 06.12.2022 and acquire the remaining land under me bearing Old Survey No.52/1, Town Survey No.34 in Adambakkam Village having Door No.24/25, 4th Street, Thillai Ganga Nagar, Nanganallur, Chennai - 600 061.

For Petitioner : Mr.Ashwin Premsundar

For R1 to R3 & R5 : Mr.P.Sathish, AGP

ORDER

Heard Mr.Ashwin Premsundar, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for the respondents 1 to 3 and 5.

2. In view of the order to be passed in this Writ Petition, notice to the fourth respondent herein is dispensed with.

3. The petitioner herein had given a representation to the respondents on 06.12.2022 requesting them to acquire the petitioner's remaining land in Old Survey No.52/1, Town Survey No.34 in



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Adambakkam Village having Door No.24/25, 4th Street, Thillai Ganga Nagar, Nanganallur, Chennai - 600 061 and to pay the compensation amount, in the light of the G.O.Ms.No.84. Since the said representation was not considered, the present writ petition has been filed.

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 them to consider the same within a stipulated time.

5. In the light of the above observations, there shall be a direction to the fourth respondent herein to consider the petitioner's representation dated 06.12.2022, in accordance with Section 94 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, within a period of eight weeks from the date of



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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

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M.S.RAMESH,J.

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