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W.P.No.9328 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.03.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.9328 of 2023

1.R.Sivakumar

2.J.Palani

...Petitioners

Vs

1.The Project Director (Land Acquisition), National Highway Authority of India, Chennai to Bangalore National Express Way, Project Implementation Unit Kanchipuram, No.7/16, Govindarajan Street, Tambaram West, Chennai-45.

2.The Special District Revenue Officer (Land Acquisition), Chennai to Bangalore Express Way, District Collector Office Campus, Kanchipuram.

3.The Special Tahsildar (Land Acquisition), Unit IV, Chennai to Bangalore Express Way, Vishalakshi Nagar, Sevilimedu, Kanchipuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents, their men,



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agents, servants and subordinates to act on the petitioners' representations dated 19.12.2019 and 27.07.2021 and legal notice dated 27.09.2021 and immediately pay the petitioners the due compensation with all statutory benefits payable in respect of the petitioners' lands namely 8256 Sq.ft (767 Sq.Metres) i.e. Acre 0.19 cents bearing Plot Nos.226A, 277D, 283, 284D, 295 and 300 in DTCP approved residential layout by name 'Nemili Park' situate in Sur.Nos.212/6 and 212/8, Nemili Village, Sriperumbudur Taluk, Kanchipuram District within a specified time frame.

For Petitioners : Mr.N.Anantha Rama Krishnan

For Respondent-1 : Mr.Su.Srinivasan

For Respondents 2 & 3 : Mr.P.Sathish,
Additional 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 first petitioner herein, for himself and on behalf of the second petitioner, had given a representation dated 27.7.2021 to the second respondent to pay compensation for acquiring their lands in



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S.Nos.212/6 and 212/8 measuring an extent of 8,256 sq.ft. for Chennai Bangalore Expressway. Since the said representation has not yet been considered, the 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 invoking its extraordinary powers under Article 226 of Constitution of India and directing 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 first petitioner's representation dated 27.07.2021, 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 twelve weeks from the date of receipt



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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 Project Director (Land Acquisition), National Highway Authority of India, Chennai to Bangalore National Express Way, Project Implementation Unit Kanchipuram, No.7/16, Govindarajan Street, Tambaram West, Chennai-45.
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M.S.RAMESH,J.

RS/SNI

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