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W.P.No.10286 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10286 of 2023

Gomathi Ramachandran

... Petitioner

Vs.

The Special Tahsildar,
Land Acquisition,
National Highway Planning
Mamallapuram – Puducherry Road Extn.
Scheme – III, Vedachalam Nagar,
Chengalpattu.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondent to conduct a detailed enquiry in respect of the petitioner's representation dated 16.10.2022 which has been received by the respondent on 17.10.2022.

For Petitioner : Mr.C. Rajan

For Respondent : Mr.P. Sathish,
Additional Government Pleader



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ORDER

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

2. The petitioner herein had given a representation to the respondent on 16.10.2022, seeking for issuance 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 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 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.



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4. In the light of the above observations, there shall be a direction to the respondent herein, to consider the petitioner's representation dated 16.10.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner and the rival claimants over the subject property, within a period of twelve (12) 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.

03.04.2023

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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M.S.RAMESH,J.

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To

The Special Tahsildar,
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