



W.P.No.10383 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

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Daisy

...Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Highways Department,
Fort St. George, Chennai - 600 009.
- 2.The District Collector,
Chennai District,
Chennai.
- 3.The District Revenue Officer,
Chennai District,
Chennai.
- 4.The Divisional Engineer,
Highways Department,
(Construction and Maintenance),
Saidapet, Chennai - 15.
- 5.The Assistant Divisional Engineer,
Highways Department,
(Construction and Maintenance),
Tambaram Sub Division,
Velachery, Chennai - 600 042.



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6.The Special Tahsildar,
Land Acquisition, Collectorate,
Chennai.

7.The Tahsildar,
Shollinganallur Taluk,
Chennai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 26.10.2022 and pay compensation for the land acquired by the Highways Department measuring an extent of 1420 sq.ft. in Old Survey No.311/2, Pallikaranai Village, Sollinganallur Taluk, Chennai, along with building area of 1400 sq.ft. which belongs to the petitioner.

For Petitioner : Mr.G.Balaji Venkateshwaran

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 petitioner herein had given a representation to the respondents on 26.10.2022 to pay compensation for the land acquired by



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the Highways Department measuring an extent of 1420 sq.ft. in Old Survey No.311/2, Pallikaranai Village, Sollinganallur Taluk, Chennai. 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 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 second respondent herein to consider the petitioner's representation dated 26.10.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, within a period of eight weeks from the date of receipt of a copy of this



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order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by 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.

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Index: Yes/No

Speaking order/Non-speaking order
hvk

To

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M.S.RAMESH,J.

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