



WEB COPY



W.P.No.11144 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.11144 of 2023

N. Vijayaraghavan

... Petitioner

Vs.

1.The District Collector,
Collectorate Office,
Tiruvannamalai District.

2.The Assistant Director of Town Panchayat,
Vellore,
Vellore District.

3.The Tahsildar,
Polur Town,
Tiruvannamalai District.

4.The Executive Officer,
Polur Town Panchayat,
Tiruvannamalai District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the 1st and 4th respondents to consider the representation of the petitioner dated 13.01.2021 to pay appropriate compensation for the acquired land



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measuring 1012 Sq.ft in Survey No.203/1, Diversion Road, Door No.2/B-4, Kambar Street, Vasantham Nagar, Polur, Tiruvannamalai District.

For Petitioner : Mr.S. Gunaseelan

For R1, R2 & R4 : Mr.V. Veluchamy,
Additional Government Pleader

For R3 : Mr.P. Ganesan,
Additional Government Pleader

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 representation on 13.01.2021 to the respondents 1, 2 & 4, regarding acquisition of his property for not paying any adequate compensation. Subsequently, the second respondent sent a letter to the fourth respondent on 05.02.201, to take appropriate action on the petitioner's representation. Further, the first respondent has also directed the fourth respondent to take action on the petitioner's representation through his order dated 05.07.2021. The



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fourth respondent on 04.08.2021, requested the third respondent to measure the area. Thereafter, the petitioner made several representations. 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 the respondent 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 the 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, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner, as well as the other persons who may be interested in the



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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 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.

12.04.2023

Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH, J.

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