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W.P.No.11123 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.04.2023

CORAM

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

W.P.No.11123 of 2023

1.The Tamil Evangelical Lutheran Church,  
Represented by its Bishop,  
Rt. Rev. Dr.A. Christian Samraj,  
Bishop House, Tranquebar Headquarters,  
Trichy – 620 001.

2.I. Selvaraj

... Petitioners

*Vs.*

1.The Chief Administrative Officer,  
Electrical (Construction),  
The Metropolitan Transport Project,  
Railways Chennai No.183,  
E.V.R. Periyar High Road,  
Chennai – 600 008.

2.The Assistant Executive Engineer,  
Metropolitan Transport Project,  
Railways, Mylapore, Chennai – 600 004.

3.The District Collector, Chennai District,  
Collectorate Office, Chennai – 600 001.

4.The Revenue Divisional Officer &  
Land Acquisition Officer, Tondiarpet Taluk,  
Chennai – 600 081.



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5. The Government of Tamil Nadu,  
Represented by its Secretary,  
Revenue Department Fort St. George,  
Chennai – 600 009.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to pay the compensation payable to the petitioners for the acquired land, buildings and trees in Survey No's 1751/1, (extent of 155 sq meters) and 1751/2 (extent of 355 sq meters) of the Tamil Evangelical Lutheran Church Royapuram acquired and taken possession on 08.02.2019 with interest and solatium forthwith.

For Petitioners : Mr.P. Ebenezer Paul

For R1 & R2 : Mr.P.T. Ramkumar

For R3 to R5 : Mr.V. Veluchamy,  
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 second petitioner herein had given representation dated 10.11.2020, seeking for payment of compensation. Subsequently, the



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third respondent has called upon the Church authorities to appear for inquiry along with the requisite documents on 20.04.2022, to which, the second petitioner has given explanation on 25.04.2022. Since there was no further progress, 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 respondents 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. Since the representation given by the second petitioner dates back to the year 2020, it would be appropriate that the petitioners be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.



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5. In the light of the above observations, the petitioners are granted liberty to give a fresh representation to the respondents herein, ventilating their grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the representation. 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

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Speaking/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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