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W.P.No.10723 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10723 of 2023

L.Vijayalakshmi

...Petitioner

Vs

1.The Special District Revenue
Officer (Land Acquisition),
Chennai Peripheral Ring Road
Project, Ambattur, Chennai-58.

2.The Land Acquisition Officer,
Special Revenue Divisional Officer,
Tamil Nadu Road Development
Scheme-II, Unit I, II Floor,
Tamil Nadu Small Industries
Development Complex, Block No.2,
Thiru Vi Ka Industrial Estate,
Nagireddy Garden, Guindy, Chennai-22.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider and dispose of the representation of the petitioner dated 06.02.2023 in accordance with law.

For Petitioner : Mr.K.N.Nataraj

For Respondents : Mr.V.Veluchamy,
Additional Government Pleader



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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 dated 06.02.2023 to the first respondent to refer the matter to the District Court, Tiruvallur for enhancement of compensation with regard to the lands acquired. 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 direct him 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 first respondent herein to consider the petitioner's representation dated 06.02.2023 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner 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 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.

10.4.2023

Index: Yes/No

Speaking order/Non-speaking order

To

1. The Special District Revenue Officer (Land Acquisition),
Chennai Peripheral Ring Road Project, Ambattur, Chennai-58.
2. The Land Acquisition Officer, Special Revenue Divisional Officer,
Tamil Nadu Road Development Scheme-II, Unit I, II Floor,
Tamil Nadu Small Industries Development Complex, Block No.2,
Thiru Vi Ka Industrial Estate, Nagireddy Garden, Guindy, Chennai-22.

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M.S.RAMESH,J.

RS/hvk

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