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W.P.No.10486 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10486 of 2023 & WMP.No.10431 of 2023

G.Vijayalakshmi

...Petitioner

Vs

- 1.The State of Tamil Nadu, rep.
by its Secretary, Fort.St.George,
Chennai-9.
- 2.The Principal Secretary &
Commissioner of Land
Administration, Chepauk,
Chennai-5.
- 3.The District Collector,
O/o the District Collector,
Coimbatore.
- 4.The Special District Revenue Officer
(Land Acquisition), Coimbatore
Airport Runway Expansion,
O/o the District Collector,
Coimbatore.
- 5.The Special Tahsildar (Land
Acquisition) - Unit-3,
Coimbatore Airport Runway
Expansion, O/o the District Collector,
Coimbatore.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 3 to 5 to provide alternate lands to the petitioner in respect of the acquisition of the petitioner's respective lands in Plot No.16 in Survey No.338/1 measuring an extent of 2,085 sq.ft both situated in Uppilipalayam Village, Coimbatore District.

For Petitioner : Mr.I.Abrar Md.Abdullah

For Respondents : Mr.P.Sathish,
Additional 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 seeks a direction to respondents 3 to 5 to provide alternate lands to her subsequent to acquisition of the lands in S.No. Plot No.16 in Survey No.338/1, Uppilipalayam Village, Coimbatore South Taluk, Coimbatore District. In this regard, she had given a representation dated 18.10.2022 to the third respondent. As nothing was forthcoming, the above writ petition has been filed.



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3. It is needless to point out that whenever a representation of this nature is made to the Statutory Authorities, 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 Authorities 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, the petitioner is directed to send a copy of the representation dated 18.10.2022 to respondents 4 and 5 also within a period of two weeks from the date of receipt of a copy of this order. On receipt of such a representation, respondents 3 to 5 herein shall consider the same, 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 six weeks therefrom. It is made clear that this Court has not expressed any of its views with regard to the



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merits of the claim of the petitioner and that it is open to respondents 3 to 5 to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

No costs. Consequently, the connected WMP is closed.

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Index: Yes/No

Speaking order/Non-speaking order

To

1. The Secretary to Government of Tamil Nadu, Fort.St.George,
Chennai-9.

2. The Principal Secretary & Commissioner of Land
Administration, Chepauk, Chennai-5.

3. The District Collector, O/o the District Collector,
Coimbatore.

4. The Special District Revenue Officer
(Land Acquisition), Coimbatore
Airport Runway Expansion,
O/o the District Collector, Coimbatore.

5. The Special Tahsildar (Land Acquisition) - Unit-3,
Coimbatore Airport Runway
Expansion, O/o the District Collector,
Coimbatore.

RS/hvk



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M.S.RAMESH,J.

RS/hvk

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