



WEB COPY



W.P.No.11688 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11688 of 2023

N.Suyambu

...Petitioner

Vs

- 1.The District Collector cum Arbitrator,
First Floor,
Collectorate,
Kancheepuram District – 631 501.
- 2.The Project Director,
National Highways Authority of India,
T.P.34, South Phase,
Sri Tower 3rd Floor,
Industrial Estate, Guindy,
Chennai – 600 032.
- 3.The Special District Revenue Officer cum
Land Acquisition Officer (National Highways),
Kancheepuram District,
Kancheepuram.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to dispose the Application filed under Section 3G(5) of the National Highways Act 1956 dated 24.01.2023 for the enhancement of



W.P.No.11688 of 2023

compensation of his acquired developed housing plot No.73, measuring an extent of 186 sq.meters from and out of 1 Ground and 388 sq.ft. Comprised in S.No.291/1 and 291/3, covered under manual Patta No.516, “Srinivasapuram Extension” of Anakaputhur Village, Pallavaram Taluk, Kancheepuram District, under Award No.RC.51/2010/NH/A3 dated 17.03.2014, as per the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 within time frame.

For Petitioner : Mr.V.Srinivasa Babu

For Respondents : Mr.P.Sathish,
Additional Government Pleader
for R1 & 3

Mr.Su.Srinivasan for R2

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 preferred an Application/representation before the first respondent on 24.01.2023 for the enhancement of compensation of his acquired developed housing plot. Since the said Application/representation was not considered, the present writ petition



W.P.No.11688 of 2023

has been filed.

WEB COPY

3.It is needless to point out that whenever an Application/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 Application/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 first respondent herein to consider the petitioner's Application/representation dated 24.01.2023, 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 eight weeks from the date of receipt



W.P.No.11688 of 2023

of a copy of this order.

WEB COPY

5.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.

6.With the above direction, the Writ Petition stands disposed of. No costs.

18.04.2023

Index:Yes/No
Speaking order/Non-speaking order
vga



W.P.No.11688 of 2023

WEB COPY

To

- 1.The District Collector cum Arbitrator,
First Floor,
Collectorate,
Kancheepuram District – 631 501.
- 2.The Project Director,
National Highways Authority of India,
T.P.34, South Phase,
Sri Tower 3rd Floor,
Industrial Estate, Guindy,
Chennai – 600 032.
- 3.The Special District Revenue Officer cum
Land Acquisition Officer (National Highways),
Kancheepuram District,
Kancheepuram.



WEB COPY



W.P.No.11688 of 2023

M.S.RAMESH,J.

vga

W.P.No.11688 of 2023

18.04.2023