



W.P.No.10884 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.10884 of 2023

1.Ezhilarasi

2.Mugilan

3.Selvi

4.Kannan

5.Prema

...Petitioners

Vs

1.Union of India,
Rep. by the Secretary to Government,
Revenue Department,
Government of Pondicherry,
Pondicherry.

2.Revenue Officer-cum-Land Acquisition Officer,
Central University,
Land Acquisition Wing,
[Education Department],
Pondicherry.

...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 to pay interest to the petitioners in accordance with the provisions of the Land Acquisition Act in respect of the acquisition of lands comprised in R.S.Nos.54/1 pt. of an extent of 0.37.40 hectares and 182/4 pt. of an extent of 0.07.00 hectares situated at Pillaichavady Pondicherry.

For Petitioners : Ms.Usha Ramman

For Respondents : Mrs.Saradha Vivek,
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 prayer sought for in this writ petition is to direct the respondents to pay interest to the petitioners in accordance with the provisions of the Land Acquisition Act, in respect of the acquisition of lands comprised in R.S.Nos.54/1 pt. of an extent of 0.37.40 hectares and 182/4 pt. of an extent of 0.07.00 hectares situated at Pillaichavady Pondicherry. In this regard, the petitioners herein had also made an application to the respondents on 07.10.2022.



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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 the 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 respondents herein to consider the petitioners' representation dated 07.10.2022, on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioners, 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 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.



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M.S.RAMESH,J.

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

No costs.

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Index: Yes/No

Speaking order/Non-speaking order

hvk

To

1.The Secretary to Government,
Revenue Department,
Government of Pondicherry,
Pondicherry.

2.Revenue Officer-cum-Land Acquisition Officer,
Central University,
Land Acquisition Wing,
[Education Department],
Pondicherry.

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