



WEB COPY



W.P.No.10947 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.04.2023

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THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.10947 of 2023

A. Fathima Beevi

... Petitioner

Vs.

1.The Special District Revenue Officer (LA),
Rehabilitation and Resettlement,
Chennai – Kanyakumari Industrial
Corridor Project-21,
Aishwarya Nagar,
Koranattukarupur, Kumbakonam Taluk.

2.The Project Director,
Chennai – Kanyakumari Industrial,
Corridor Project,
C.K.I.C.P Complex, HRS Campus,
Guindy, Chennai – 600 025.

3.The Divisional Engineer,
Chennai – Kanyakumari Industrial,
Corridor Project,
Plot No.41, 2nd Floor, 3rd Cross Lane,
CRC HO Opp. Kumbakonam – 612 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents



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to pay the petitioner a sum of Rs.56,25,100/- as claimed by the petitioner in her representation dated 21.09.2022, as compensation towards total loss of livelihood, total loss of rental income, solatium etc., caused due to acquisition of petitioner land and building under Chennai Kanyakumari Industrial Corridor Project.

For Petitioner : Mr.C.S.K. Sathish

For Respondents : Mr.P. Sathish,
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 petitioner herein had given representation on 21.09.2022 to the respondents, claiming an additional compensation towards loss of rental income. Subsequently, the second respondent has forwarded the petitioner's representation to the first respondent, to consider the same. Since there was no further progress, the present 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 a Statutory Authority, there is a duty cast upon the respondent 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 the 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 and second respondents herein, to consider the petitioner's representation dated 21.09.2022, in the light of the entitlement embarks for Chennai Kanyakumari Industrial Corridor Project, 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 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 petitioner and that it is open to



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the concerned respondent to consider the same on its own merits.

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

No costs.

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Speaking/Non-speaking Order

Internet: Yes/No

Index: Yes/No

Neutral Citation: Yes/No

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To

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M.S.RAMESH, J.

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