



WEB COPY



W.P.No.11804 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.4.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.11804 of 2023

V.Chinnasamy

...Petitioner

Vs

1.The Government of Tamil Nadu,
Rep. by its Secretary,
Backward, Most Backward and Minorities
Welfare Department, St. George Fort,
Secretariat, Chennai 600 009.

2.The District Collector,
Dharmapuri District.

3. The Special Tahsildar/Land Acquisition Officer,
Adi Dravida Welfare Department,
Harur, Dharmapuri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 23.01.2017 and 22.12.2022 and thereby direct the respondents to refer the petitioner's case to the jurisdiction court for enhancement of the award amount as per the Land Acquisition proceedings.



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For Petitioner : Mr.B.Gopalakrishnan

For Respondents : Mr.P.Sathish
AGP

ORDER

By consent of both sides, the main writ petition has been taken up for final hearing.

2. The petitioner herein has given representations to the respondents on 23.01.2017 and 22.12.2022 seeking for referring the petitioner's case to the jurisdictional court for enhancement of the award amount as per the Land Acquisition proceedings. Since the said representation was not considered, the present 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 the respondents 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



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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 second respondent herein to consider the petitioner's representations dated 23.01.2017 and 22.12.2022 on its own merits and pass appropriate orders in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order, after giving opportunity to all the concerned parties. 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 first respondent to consider the same on its own merits.

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

No costs.

19.04.2023

Index:Yes/No

Speaking order/Non-speaking order

sr

M.S.RAMESH,J.



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To

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Secretariat, Chennai 600 009.
- 2.The District Collector,
Dharmapuri District.
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