



W.P.No.12008 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12008 of 2023

M/s.Guhasri Infra Private
Limited, rep.by its Director
Mr.T.Murugan

...Petitioner

Vs

1.The Special District Revenue
Officer (LA), Chennai Metro
Rail Limited, Koyambedu,
Chennai-107.

2.The District Collector,
Rajaji Salai, Fourth Floor,
62, Beach Road, George Town,
Chennai-1.

3.Tmt.K.Revathy

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to pay compensation for the loss of the petitioner's livelihood, assets and structures in the proposed acquisition of land measuring 471 sq.ft in Old S.No.489/3(A), T.S.No.5, Ward No.H, Block No.7, Corridor No.5, Route No.9, at No.3, G.S.T. Road, Alandur, Chennai-600016 as per the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, the Right



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to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Chennai Metro Rail Project Phase II Corridor -5 Resettlement Plan based on the petitioner's representation dated 07.3.2023.

For Petitioner : Mr.K.Raja

For Respondents 1 & 2 : Mr.P.Sathish,
Additional Government Pleader

ORDER

Heard the learned counsel for the petitioner and the learned Additional Government Pleader accepting notice for the official respondents. Since this Court is directing respondents 1 and 2 to consider the petitioner's representation after giving notice to all the parties concerned, notice to the private respondent is dispensed with.

2. The petitioner has filed this writ petition seeking a direction to respondents 1 and 2 to consider their representation dated 07.3.2023 to pay compensation for the loss of the petitioner's livelihood, assets and structures in the proposed acquisition of land measuring 471 sq.ft in Old S.No.489/3(A), T.S.No.5, Ward No.H, Block No.7, Corridor No.5, Route



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No.9, at No.3, G.S.T. Road, Alandur, Chenani-600016 as per the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997, the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 and the Chennai Metro Rail Project Phase II Corridor -5 Resettlement Plan.

3. It is needless to point out that whenever a representation of this nature is made to 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, there shall be a direction to respondents 1 and 2 to consider the petitioner's representation dated 07.3.2023, on its own merits and pass appropriate orders in accordance



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with law, after giving due opportunity to the petitioner and the private respondent herein, 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 of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

To

1. The Special District Revenue Officer (LA), Chennai Metro Rail Limited, Koyambedu, Chennai-107.

2. The District Collector, Rajaji Salai, Fourth Floor, 62, Beach Road, George Town, Chennai-1.

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M.S.RAMESH,J.

RS/SNI

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