



W.P.No.12170 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.4.2023

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.12170 of 2023

- 1.Chinnapappa
- 2.Elango
- 3.Gunasekaran
- 4.Suseela
- 5.Narendran
- 6.Ashokan
- 7.Perumal
- 8.Seetha
- 9.Rani
- 10.Anumandhan
- 11.Subramani
- 12.Balasubramaniam
- 13.Rajamani
- 14.Balaraman
- 15.Thilagavathi
- 16.Ganapathi
- 17.Balakrishnan
- 18.Ramamurthi
- 19.Settu
- 20.Selvam
- 21.Rajammal
- 22.Subramani
- 23.Jaya

...Petitioners

Vs

- 1.The District Collector, District
Collector Office, Tirupattur,
Tirupattur District-635601.



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2.The Land Acquisition Officer/DRO,
District Revenue Office, District
Collectorate, Vellore, now the
District Revenue Officer, District
Revenue Office, Tirupattur,
Tirupattur District-635601.

3.The Tahsildar, Tirupattur Taluk,
Tirupattur District-635601.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to refer the Land Acquisition Proceedings initiated in respect of the petitioners' land bearing Survey Nos.83/6A2, 78/3B1, 83/6A1A, 83/6A1B, 83/6B, 130A/1A1, 130B/1, 130B/2, 134/1, 135/3, 135/4, 135/5, 135/6, 135/13, 158/1A, 158/1B, 158/1D, 160/1A1E, 160/10, 160/1A1F, 160/9, 301/1B, 301/2, 302/1H, 302/1K, 302/1J, situated at Pachal Village, Tirupattur Taluk (Previously Vellore) Tirupattur District (more fully stated in the annexure) which were acquired for the purpose of widening of road for construction of road bridge in lieu of Railway Kadavu No.88 by the Highways Department to the reference Court under Section 20(1) of the Tamil Nadu Highways Act 2001.

For Petitioners : Mr.K.Elangoo

For Respondents : Mr.P.Sathish,
Additional Government Pleader



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ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. The petitioners have filed this writ petition seeking a direction to the respondents to refer the land acquisition proceedings initiated in respect of the petitioners' land bearing Survey Nos.83/6A2, 78/3B1, 83/6A1A, 83/6A1B, 83/6B, 130A/1A1, 130B/1, 130B/2, 134/1, 135/3, 135/4, 135/5, 135/6, 135/13, 158/1A, 158/1B, 158/1D, 160/1A1E, 160/10, 160/1A1F, 160/9, 301/1B, 301/2, 302/1H, 302/1K, 302/1J, situated at Pachal Village, Tirupattur Taluk (Previously Vellore) Tirupattur District (more fully stated in the annexure) which were acquired for the purpose of widening of road for construction of road bridge in lieu of Railway Kadavu No.88 by the Highways Department to the reference Court under Section 20(1) of the Tamil Nadu Highways Act 2001. In this regard, the first petitioner had given a representation dated 20.2.2023 to respondents 1 and 2.



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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 India and direct him 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 first petitioner's representation dated 20.2.2023 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 twelve 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 petitioners and that it is open to 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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Index:Yes/No

Speaking order/Non-speaking order

To

1.The District Collector, District Collector Office, Tirupattur,
Tirupattur District-635601.

2.The Land Acquisition Officer/DRO, District Revenue Office,
District Collectorate, Vellore, now the District Revenue Officer,
District Revenue Office, Tirupattur, Tirupattur District-635601.

3.The Tahsildar, Tirupattur Taluk, Tirupattur District-635601.

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