



W.P.No.12306 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.12306 of 2023

P.Balu

...Petitioner

Vs

1.The Competent Authority/Special
District Revenue Officer - Land
Acquisition, National Highways - 844,
(Hosur - Royakottai - Dharmapuri
Section), Dharmapuri District.

2.The Special Tahsildar (LA),
National Highways - 844
(Hosur - Royakottai - Dharmapuri
Section), Dharmapuri District.

3.The Project Director (NH 844),
National Highways Authority of
India, PIU - Krishnagiri,
259/1, Salem Main Road,
Near KAKC Petrol Bunk,
Krishnagiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent authority to act upon the representations dated 13.10.2022 and 15.3.2023 submitted by the petitioner and follow the procedure contemplated under Sections



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26 to 30 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013) and grant adequate opportunity to the petitioner by furnishing copies of last three years sale statistics obtained from the Registration Department in respect of the locality and revenue village in which the petitioner's land is situated and allowing the petitioner to peruse all records and filing written submissions and also to take into consideration the petitioner's lease agreement dated 27.12.2008 in Doc.No.3585/2018 and loss of income of the petitioner as per Section 28 of RFCTLARR Act 2013 and thereafter pass final award in respect of the petitioner's land measuring 2.85 acres in S.No.508/2B, Virupatchipuram Village, Dharmapuri Taluk and District under Section 3G(1) of the National Highways Act, 1956 of RFCTLARR Act, 2013 within the time to be stipulated by this Court.

For Petitioner : Mr.S.Thankasivan for
Mr.R.Ramesh Raja

For Respondents 1 & 2 : Mr.V.Veluchamy,
Additional Government Pleader

For Respondent-3 : Mr.Su.Srinivasan

ORDER

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



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2. The petitioner has filed this writ petition directing the respondent authority to act upon the representations dated 13.10.2022 and 15.3.2023 submitted by the petitioner, follow the procedure contemplated under Sections 26 to 30 of the Right to Fair compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act 2013 (Central Act 30 of 2013), grant adequate opportunity to the petitioner by furnishing copies of last three years sale statistics obtained from the Registration Department in respect of the locality and revenue village in which the petitioner's land is situated, allow the petitioner to peruse all records and file written submissions, take into consideration the petitioner's lease agreement dated 27.12.2008 in Doc.No.3585/2018 and loss of income of the petitioner as per Section 28 of RFCTLARR Act 2013 and thereafter pass final award in respect of the petitioner's land measuring 2.85 acres in S.No.508/2B, Virupatchipuram Village, Dharmapuri Taluk and District under Section 3G(1) of the National Highways Act, 1956 within the time to be stipulated by this Court.



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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 the respondents to consider the petitioner's representation dated 15.3.2023 on its own merits and pass appropriate orders in accordance with law, after giving due opportunity to the petitioner 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 petitioner 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 Competent Authority/Special District Revenue Officer - Land Acquisition, National Highways - 844, (Hosur - Royakottai - Dharmapuri Section), Dharmapuri District.
2. The Special Tahsildar (LA), National Highways - 844 (Hosur - Royakottai - Dharmapuri Section), Dharmapuri District.
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M.S.RAMESH,J.

RS/SNI

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