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W.P.No.30400 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.30400 of 2022

Prabakaran

...Petitioner

Vs

1. The District Collector,
Thiruvaur District,
Thiruvarur.
2. The Revenue Divisional Officer,
O/o the Revenue Divisional Office,
Thiruvarur District, Thiruvarur.
3. The Project Director,
Chennai-Kanyakumari Industrial Corridor Project,
No.76, Sardhar Patel Salai,
National Highway Research Centre,
Guindy Campus, Chennai-25.
4. The Special Tahsildar (Land Acquisition),
Chennai-Kanyakumari Industrial Corridor Project,
No.17, Guru Dhatchinamoorthy Nagar,
Thanjai Road, Thiruvarur District.
5. The Administrative Officer,
Velaklurichi Adheenam,
Arulmigu Meganathaswamy Temple,
Thirumechuyur Village, Peralam,
Thiruvarur District

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 4th respondent to consider the petitioner's representation dated 06.10.2022 and provide adequate compensation to the petitioner's concrete RCC House and Hotel situated in Survey No.169/1, Thandan Thoppu Street, Thirumechuyur Village, Nanneelam Taluk, Thiruvarur District which has been proposed to acquire the Chennai-Kanyakumari Industrial Corridor Project.

For Petitioner : Mr.A.Venkatesan
For Respondents : Ms.Akila Rajendran
Government Advocate
R.1, R.2 and R.4
Mr.Su.Srinivasan
Standing Counsel
For R.3
Mr.A.R.Nixon
For R.5

ORDER

Mr.A.Venkatesan, learned counsel for the petitioner and Ms.Akila Rajendran, learned Government Advocate for respondents 1,2 and 4, Mr.Su.Srinivasan, learned Standing Counsel for the third respondent and Mr.A.R.Nixon, learned counsel for the fifth respondent.



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2. The petitioner herein had given a representation to the respondents on 06.10.2022, seeking for a direction to provide adequate compensation to the petitioner's concrete RCC House and Hotel situated in Survey No.169/1, Thandan Thoppu Street, Thirumechuyur Village, Nanneelam Taluk, Thiruvarur District, which has been proposed to acquire for the Chennai-Kanyakumari Industrial Corridor Project. 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 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.



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4. In the light of the above observations, there shall be a direction to the respondents 3 and 4 herein to consider the petitioner's representation dated 06.10.2022 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 respondents 3 and 4 to consider the same on its own merits.

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

No costs.

17.04.2023

Index: Yes/No

Speaking order/Non-speaking order

sr



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M.S.RAMESH,J.

SI

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