

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 27.07.2015

Coram

The Honourable Mr. JUSTICE M.SATHYANARAYANAN

Writ Petition No.22503 of 2015

Khalid Ahmed

... Petitioner

-Vs-

1. The Land Acquisition Officer
& Special Tahsildar (LA)
Unit-2, Chennai Metro Rail Limited (CMRL)
Gopalapuram, Chennai - 86.

2. Chennai Metro Rail Limited,
rep. By its Managing Director,
"Harini Towers" No.7, Coron Smith Road,
Gopalapuram,
Chennai - 600 086.

..Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the first and second respondents to dispose of the petitioner's representation dated 20.01.2015 to issue order to acquire the petitioner's balance property land in extent of 1550 sq.ft. Building in extent 6200 sq.ft. At the prevailing market rate and for other consequential reliefs.

For Petitioner : Mrs.Auxilia Peter
For Respondents : Mr.RM.Muthukumar,
Govt.Advocate for R1.
Mr.Abdul Saleem for R2.

सत्यमेव जयते

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner is the absolute owner of the landed property to an extent of 3918 sq.ft and the superstructure there thereon measuring 6200 sq.ft. comprised in T.S.No.59 under Block No.8, Adyar Village, Mambalam-Guindy Taluk, Chennai District through registered Document No.2627 of 2006 dated 15.12.2006 registered at the office of Sub Registrar, Adyar.

3. The petitioner would state that the second respondent issued a notification under Section 4(1) of Land Acquisition Act 1984 and acquired 2435 sq.ft., out of 4000 sq.ft. in the petitioner's property by invoking the emergency provisions for Metro Rail project. The first respondent, vide Award No.3/2011 dated 08.12.2011, has awarded a compensation at the rate of Rs.7,852/- per square feet and the petitioner aggrieved by the inadvertency of compensation submitted a representation dated 30.09.2011 to the first respondent praying enhancement of compensation and also sent a reminder dated 24.11.2011 to state his other grievance, namely, for provision of atleast 8 feet exclusive passage to his remaining property to have ingress and egress. The petitioner in this regard has also filed W.P.No.25987 of 2012 wherein notice has been ordered. The petitioner has also claimed for enhancement of compensation in L.A.O.P.No.15 of 2013 on the file of VI Assistant City Civil Court, Chennai. Since the repeated representation submitted by the petitioner for making arrangement to have ingress and egress did not yield any result, the petitioner submitted a representation dated 20.01.2015 to the respondents requesting them to acquire the balance land in the above said property. Though it was acknowledged on 27.01.2015 by the respondent, he has not been favoured with any kind of response. Hence, the petitioner came forward to file this writ petition.

4. Heard, the learned counsel appearing for the petitioner and Mr.RM.Muthukumar, learned Government Advocate who accepts notice for the first respondent and Mr.Abdul Saleem, learned Standing counsel, who accepts notice on behalf of the second respondent/Chennai Metro Rail Limited.

5. This Court, taking into consideration the limited scope of the prayer sought for by the petitioner, without going into the merits of the case, directs the second respondent to consider and dispose of the petitioner's representation dated 20.01.2015 on merits and in accordance with law after providing an opportunity of personal hearing to the petitioner and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

6. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi

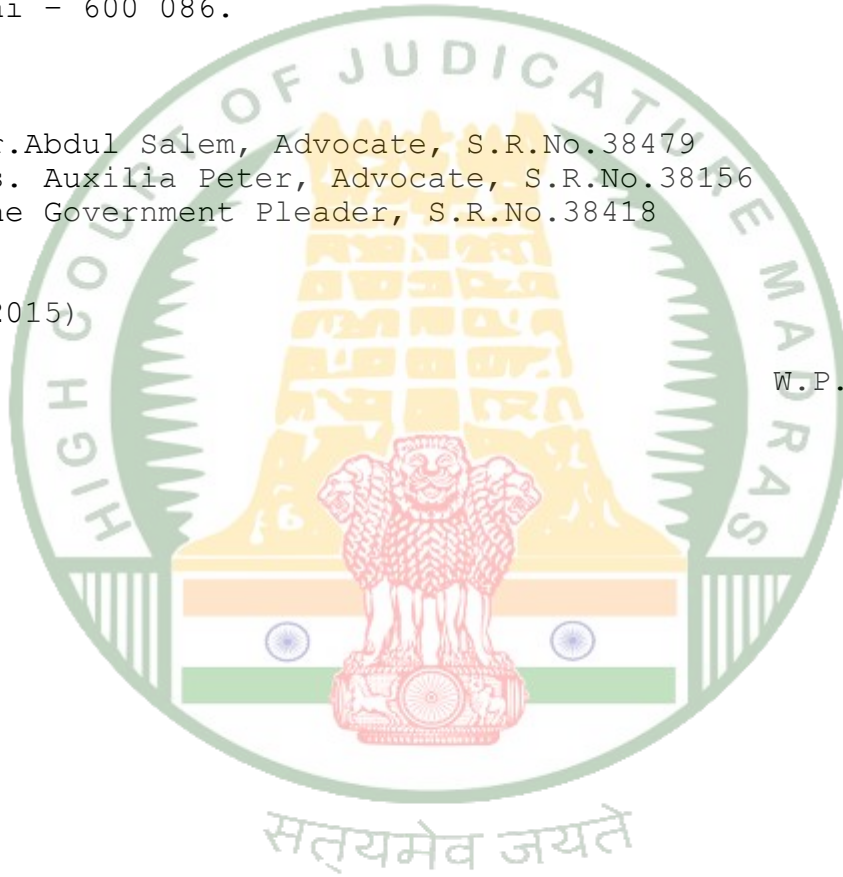
To

1. The Land Acquisition Officer &
Special Tahsildar(LA)
Unit-2, Chennai Metro Rail Limited (CMRL)
Gopalapuram,
Chennai - 86.
2. Managing Director,
Chennai Metro Rail Limited,
Harini Towers" No.7, Coron Smith Road,
Gopalapuram,
Chennai - 600 086.

+1cc to Mr.Abdul Salem, Advocate, S.R.No.38479
+1cc to Ms. Auxilia Peter, Advocate, S.R.No.38156
+1cc to the Government Pleader, S.R.No.38418

KJI (CO)
EU(12/08/2015)

W.P.No.22503 of 2015



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