IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.25680 & 18674 of 2016

Theagaraya Chetty Educational Institutions
Managing Committee rep.by its Secretary
No.1074/345, T.H.Road
Old Washermanpet
Chennai 600 021 .. Petitioner in both the Writ Petitions

-vs-

Government of Tamil Nadu
rep.by its Secretary
Planning Development and Special
Initiatives Department
Chennai 600 009 .. 1st Respondent in W.P.No.25680 of 2016

Government of Tamil Nadu
rep.by its Secretary
Department of Industries
Chennai 600 009
..1st Respondent in W.P.No.18674 of 2016

The Collector
Chennai District
Chennai 600 001
..2nd Respondent in both the writ petitions

Land Acquisition Officer cum
Additional Personal Assistant (Land)
Metro Rail Project
O/o the Collector of Chennai
Chennai-1 ..3rd Respondent in both the writ petitions

The District Revenue Officer &
Legal Officer
Chennai Metro Rail Limited
Depot, Admin Building
Poonamallee High Road
Koyambedu, Chennai 600 107
..4th Respondent in both the writ petitions

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Chennai Metro Rail Limited
rep.by its General manager
Depot, Admin Building
Poonamallee High Road
Koyambedu, Chennai 600 107
..5th Respondent in both the writ petitions

Land Acquisition Officer
Revenue Divisional Officer
Tondiarpet, Chennai ..6th Respondent in W.P.No.25680 of 2016

W.P.No.25680 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records pertaining to the G.O.Ms.No.31, Planning Development and Special Initiatives (SI) dt.4.3.2016 issued by the first respondent under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act and published in T.N.Government Gazette No.125 dated 24.05.2016, quash the same in respect of Block No.41 of R.S.No.2554 (New R.S.No.2554/16), R.S.No.2555 (New R.S.No.2555/1A,8,11,12), R.S.No.2578 (New R.S.No.2578/2), R.S.No.2579 (New R.S.No.2579), R.S.No.2586 (New R.S.No.2586), R.S.No.2592 (New R.S.No.2592/4), R.S.No.2593 (New R.S.No.2593), measuring a total area of 1,17,072 sq.ft.

W.P.No.18674 of 2016 is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari, calling for the records pertaining to the proceedings in R.C.No.25/LA/CMRL/2016 dt.3.3.2016 issued by the third respondent (rejecting the objections dt.12.2.2016 filed by the petitioner) quash the same.

For Petitioner :: Mr.B.Ravi

For Respondents :: Mr.R.Thiagarajan
Senior Counsel for
Mr.Jayesh B.Dolia for R4 & R5
Mr.M.Elumalai
Government Advocate for
R1 to 3 & 6 in W.P.No.25680 of 2016 and for R1 to R3 in W.P.No.18674 of 2016

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ORDER

These two writ petitions have been filed by Thegaraya Chetty Educational Institutions Managing Committee represented by its Secretary. In W.P.No.25680 of 2016, the petitioner has sought for issuance of a writ of certiorari, calling for the records pertaining to the G.O.Ms.No.31, Planning Development and Special

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Initiatives (SI) dated 4.3.2016 issued by the first respondent under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act and published in T.N.Government Gazette No.125 dated 24.05.2016, quash the same in respect of Block No.41 of R.S.No.2554 (New R.S.No.2554/16), R.S.No.2555 (New R.S.No.2555/1A,8,11,12), R.S.No.2578 (New R.S.No.2578/2), R.S.No.2579 (New R.S.No.2579), R.S.No.2586 (New R.S.No.2586), R.S.No.2592 (New R.S.No.2592/4), R.S.No.2593 (New R.S.No.2593), measuring a total area of 1,17,072 sq.ft. In W.P.No.18674 of 2016, the petitioner has sought for issuance of a writ of certiorari, calling for the records pertaining to the proceedings in R.C.No.25/LA/CMRL/2016 dated 3.3.2016 issued by the third respondent and quash the same.

2. When both the writ petitions were taken up, Mr.R.Thiagarajan, learned senior counsel for the respondents 4 & 5-Chennai Metro Rail Limited submitted that the Chennai Metro Rail Limited (First Party) and the writ petitioner (Second Party) have entered into a Memorandum of Understanding on 2nd December, 2016 at Chennai, among other terms, that the First Party shall request the Government of Tamil Nadu to withdraw the land, excepting the land measuring about 28,040 sq.ft. (permanent acquisition) situated in Block No.41, T.S.No.2555/2, 2578 of Tondiarpet village at No.1047/345, T.H.Road, Old Washermanpet, Chennai-600 021, more fully described in the Schedule 'B' thereunder, from acquisition, by submitting before this Court for quashing the rest of land measuring 89,032 sq.ft. Since the parties agree that a sum of Rs.21,04,89,000/- is being paid to the Second Party by the First Party within 15 days from the date of signing of the agreement being the final compensation package, the writ petitions can be disposed of in terms of the Memorandum of Understanding entered into between the parties and the proceedings dated 18.10.2016 and 15.12.2016 issued by the fourth respondent in Forms D seeking to withdraw the portion of the land/lands specified in the Schedules thereunder in the respective survey numbers from acquisition. The learned senior counsel also submitted that the cheques for the aforementioned amount are also ready to be handed over to the petitioner. However, the learned counsel for the petitioner requested this Court to direct the respondents 4 & 5 to hand over the cheques to the petitioner within two days from today and on handing over of such cheques to the petitioner, it is open to the respondents to enter upon the land in terms of the Memorandum of Understanding.

3. In the light of the Memorandum of Understanding entered into between the Chennai Metro Rail Limited (First Party) and the writ petitioner (Second Party) on the terms referred to thereunder and the fourth respondent has also issued two separate proceedings dated 18.10.2016 and 15.12.2016 in Forms D

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seeking to withdraw the portion of the land/lands specified in the Schedules thereunder in the respective survey numbers from acquisition, these writ petitions are disposed of in terms of the Memorandum of Understanding dated 2.12.2016 and the proceedings issued by the fourth respondent dated 18.10.2016 and 15.12.2016 as aforementioned, which shall form part of the order. Consequently, W.M.P.Nos.22000, 22001, 16330, 16331, 32063 & 32226 of 2016 are closed. No costs.

ss

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Secretary to Government
   Planning Development and Special
   Initiatives Department
   Chennai 600 009

2. The Secretary to Government
   Department of Industries
   Chennai 600 009

3. The Collector
   Chennai District
   Chennai 600 001

4. The Land Acquisition Officer cum
   Additional Personal Assistant (Land)
   Metro Rail Project
   O/o the Collector of Chennai
   Chennai 600 001

5. The District Revenue Officer & Legal Officer
   Chennai Metro Rail Limited
   Depot, Admin Building
   Poonamallee High Road
   Koyambedu
   Chennai 600 107

6. The General Manager
   Chennai Metro Rail Limited
   Depot, Admin Building
   Poonamallee High Road
   Koyambedu
   Chennai 600 107

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7. The Land Acquisition Officer
   Revenue Divisional Officer
   Tondiarpet, Chennai

+ 2 ccs to Mr.B.Ravi, Advocate Sr 73918, 73917

+ 1 cc to Mr.Jayesh B.Dolia, Advocate Sr 74032

KR/20/12

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