

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2017

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THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

And

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

Review Application No.99 of 2017

And

C.M.P.No.10919 of 2017

In

A.S.No.775 of 2014

Chennai Metro Rail Limited,
Rep. by its Managing Director

... Petitioner

Vs.

1.Mr.L.R.Ravi Prasad
2.Mrs.Renganayaki

3.The Special Tahsildar,
(Land Acquisition – CMRL),
Admin Building, CMRL Depot,
Poonamalle High Road,
(Opposite to Daniel Thomas School),
Koyambedu, Chennai – 600 107.

... Respondents

Prayer:

Review application filed under Section 114 of Civil Procedure Code read with Order XLVII Rule 1 praying to review its order dated 29.10.2015 in A.S.No.775 of 2014.

For Petitioner : Mr.C.S.Vaidyanathan
Senior Counsel
for M/s.Jayesh B.Dolia
For Respondents : Mr.Irwin Aaron

ORDER

(Order of the Court was made by K.K.SASIDHARAN,J.)

This review petition is filed by the Chennai Metro Rail Limited to review the judgment and decree dated 29.10.2015 in A.S.No.775 of 2014.

2.The review petition was heard at length earlier. Thereafter, the parties have entered into a settlement for giving quietus to the matter. The review petition was adjourned for filing Joint Memorandum of Compromise.

3.When the Review Application was taken up for hearing today, the learned counsel for the respective parties filed a Joint Memo dated 26.10.2017 indicating the terms and conditions of the settlement.

4.The Joint Memo reads thus:

***"The 2nd and 3rd Respondents
Mr.L.R.Ravi Prasad, son of L.D.Raghavan
and Mrs.Renganayaki are the land owners
of the property situated in T.S.No.1/6 in
Block No.33, Koyambedu Village, Egmore-
Nungambakkam Taluk, measuring an***

extent of 11,400 sq.mtrs. of land was acquired by petitioners/2nd Respondent by way of award No.2 of 2011, dated 22.7.2011 for the formation of Metro Rail Track.

2.The Respondents were awarded a sum of Rs.56,88,02,166/- by calculating Rs.3,125/- per sq.ft. of land. In this situation the petitioners preferred LAOP No.32 of 2012 for enhancement of compensation before the City Civil Court, Madras and the same was ordered on 30.04.2014 fixed a sum of Rs.5,000/- per sq.ft. as enhanced compensation.

3.Aggrieved by the above said order the LAO has preferred an appeal before High Court, Madras in A.S.Nos.678 of 2014 and the 2nd and 3rd respondents preferred an appeal in A.S.No.775 of 2014. The High Court of Madras dismissed the appeal filed by the LAO and allowed the appeal filed by the 2nd and 3rd Respondents by enhancing the market value from Rs.5,000/- to Rs.6,150/- by its order dated 29.10.2015.

4.Again aggrieved by the above said order the LAO preferred a Special Leave Petition before Supreme Court of India and the same was dismissed on

08.08.2016.

5. In this circumstances the Petitioner/3rd Respondent filed the above Review Petition before the High Court of Madras. During the proceedings before this Hon'ble Court in this Review Petition the Petitioner/3rd Respondent and the 2 and 3 Respondents came to an amicable settlement.

6. The Petitioner/3rd Respondent and the 2 and 3 Respondent agree and state as follows:

(i) Both the Petitioner/3rd Respondent and the 2 and 3 Respondents agreed that the market value of the property is fixed as Rs.6,150/- per sq.ft.

(ii) The 2nd and 3rd Respondents agreed to receive a sum of Rs.56,00,00,000/- as full and final settlement towards the balance compensation amount payable by the Petitioner/3rd Respondent.

(iii) The review petitioner will assist the 2nd and 3rd respondent to get No Objection Certificate (NOC) to be given to Chennai Metropolitan Development Authority (CMDA) on their request.

(iv) The petitioner hereby confirms that they will provide perpetual

uninterrupted access below the elevated viaduct between any two piers/ Portals in block number 33, survey number 1/6 of Koyambedu village to all three severed properties of land owned by the 2nd and 3rd respondent in block no.33, survey number 1/1, 1/4, 1/5 of Koymabedu village as per the terms and condition of CMRL.

(v) The agreed balance amount mentioned in the para two (Rs.56,00,00,000/-) will be paid within a period of four weeks from the date of signing this agreement. If the payment is not made within the above said period 9% interest per annum he will be paid for the amount agreed in para 2 till the date of payment.

(vi) In the event of the review petitioner failing to fulfill any one of the terms stipulated above, the second and the third respondents would be entitled to full payment in terms of the decree by resorting to such recovery proceedings open to them and also get the performance of other 2 conditions by resorting such proceedings open to them in law."

5.The decree in A.S.No.775 of 2014 dated 29.10.2015 is modified to the extent indicated in the Joint Memo which shall form part of the decree.

6.The learned counsel for the respondents submitted that only on account of the undertaking given by the review petitioner that the payment would be made within a period of four weeks, the respondents have agreed for the settlement. In view of the said submission and the fair stand taken by the learned counsel for the respondents, we direct the Chennai Metro Rail Limited, the petitioner herein to strictly adhere to the time schedule as indicated in the Joint Memo.

7.The review application is disposed of in terms of the Joint Memo. No costs. Consequently, the connected miscellaneous petition is also closed.

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[K.K.S.,J.]

[P.V.,J.]

26.10.2017

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Speaking Order/ Non Speaking Order

Index: Yes / No

Internet: Yes / No

Note: Issue order copy on 01.11.2017

To

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