

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 20.12.2017

Coram: The Honourable Mr. Justice N. SESHASAYEE

W.P.No.29837 of 2016
and
W.M.P.No.25833 of 2016

MRF Limited,
Tiruvottriyur Plant,
Rep. by its General Manager,
Tiruvottriyur High Road,
Chennai - 600 019.

...Petitioner

Versus

1. Land Acquisition Officer,
Chennai Metro Rail Project - cum
Revenue Divisional Officer,
Ambattur, Chennai.

2. Chennai Metro Rail Limited,
Admin Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai - 600 107.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari to call for the records on the file of the first respondent, quash the impugned order dated 29.07.2016 under Section 4(2) of Act 10 of 1999.

For Petitioner : Mr. M. Vijayan

For Respondents : Mr. Akhil Akbar Ali,
Learned Government Advocate

Mr. Jayesh B.Dolia For R2

O R D E R

This writ petition is filed challenging the acquisition proceedings initiated to acquire a land to an extent of 49,402 Sq.Ft of Ernavoor Village belonging to the petitioner under the Provisions of Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997 and the said land is proposed to be acquired for a Metro Rail Project.

2. During the pendency of the proceedings, negotiation have taken place between the beneficiary of the intended acquisition and the petitioner, wherein, a settlement has arrived between them as per which the beneficiary has disclosed its intention to limit the extent required for acquisition to 2,442 Sq.Ft. The second respondent, the beneficiary of the intended acquisition has filed its affidavit dated 18.12.2017.

3. The learned counsel for the petitioner submitted that as per Section 4(1) of the aforesaid Act, when, once a notification is issued, the entire property proposed to be acquired vest in the Government and in the context of the proposed settlement now arrived at between the parties, the Government may have to de-notify the excess extent of 46,960 Sq.Ft. This Court records the settlement so arrived.

4. On the basis of the said settlement, this Court makes a further direction to the first respondent to issue such necessary notification, de-notifying the extent of 46,960 Sq.Ft from the intended acquisition and re-convey the same to the petitioner within three months from the date of receipt of a copy of this order.

5. The affidavit of the second respondent dated 18.12.2017 is directed to be tagged to this order. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

mrr

To

1. Land Acquisition Officer,
Chennai Metro Rail Project - cum
Revenue Divisional Officer,
Ambattur, Chennai.

2. Chennai Metro Rail Limited,
Admin Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai - 600 107.

+1cc to Mr.Jayesh and Dolia, Advocate, S.R.No.90926

W.P.No.29837 of 2016

PVS (CO)
RRK (07/02/2018)



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