

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.12.2017

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THE HON'BLE Mr. JUSTICE M.DURAISWAMY

W.P.No.39553 of 2016
and W.M.P.Nos.33834 to 33836 of 2016

K.Rajan

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
rep by Principal Secretary to Government,
Planning Development and
Special Initiatives Department,
Fort St.George, Secretariat,
Chennai - 600 009.
 - 2.The Chennai Metro Rail Limited,
rep by its Chairman,
Administrative Office,
Chennai Metro Rail Depot,
Poonamallee High Road,
Koyambedu - 600 107.
 - 3.The Land Acquisition Officer/
Revenue Divisional Officer,
The Chennai Metro Rail Limited,
Tondiarpet, Chennai - 600 021.
- ... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorari calling for the records of the 2nd respondent comprised in the Notification dated 23.01.2016 under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 published in Tamil Daily "Dinamani" Notification in G.O.No.125 dated 24.05.2016 under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 published by the Planning Development and Special Initiatives Department, show cause notices dated 12.07.2016 and 15.10.2016 issued by the 3rd respondent under Section 4(2) and 7(5) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 respectively and all proceedings pursuant thereto and quash the same as being arbitrary, illegal and without application of mind in so far as it relates to the petitioner's land of an extent of 344 sq.ft., and building thereon in R.S.No.2564, Block No.41 within the Registration District of North Chennai and Sub Registration District of Royapuram of Tondiarpet Village.

For Petitioner : Mr.R.Parthasarathy

For Respondents: Mr.R.Thiagarajan, Senior Counsel
for Mr.Jayesh Dolia (R2)

R1 & R3 - no appearance

O R D E R

The petitioner has filed the above Writ Petition to issue a writ of certiorari calling for the records of the 2nd respondent comprised in the Notification dated 23.01.2016 under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 published in Tamil Daily "Dinamani" Notification in G.O.No.125 dated 24.05.2016 under Section 3(1) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 published by the Planning Development and Special Initiatives Department, show cause notices dated 12.07.2016 and 15.10.2016 issued by the 3rd respondent under Section 4(2) and 7(5) of the Tamil Nadu Acquisition of Lands for Industrial Purposes Act, 1997 respectively and all proceedings pursuant thereto and quash the same in so far as it relates to the petitioner's land of an extent of 344 sq.ft., and building thereon in R.S.No.2564, Block No.41 within the Registration District of North Chennai and Sub Registration District of Royapuram of Tondiarpet Village.

2.Heard Mr.R.Parthasarathy, learned counsel appearing for the petitioner and Mr.R.Thiagarajan, learned senior counsel appearing for the 2nd respondent.

3.When the matter is taken up for hearing, the learned counsel on either side submitted that the parties had settled the matter out of Court and that the petitioner and the 2nd respondent had also entered into a Memorandum of Understanding dated 07.12.2017.

4.Mr.R.Parthasarathy, learned counsel for the petitioner and Mr.R.Thiagarajan, learned senior counsel appearing for the 2nd respondent submitted that the Writ Petition may be disposed of in terms of the Memorandum of Understanding entered into between the petitioner and the 2nd respondent.

5.The Memorandum of Understanding dated 07.12.2017 is taken on record. The Memorandum of Understanding dated 07.12.2017 entered into between the petitioner and the 2nd respondent supersedes the affidavit dated 23.11.2017 filed by the 2nd respondent.

6.The Writ Petition is disposed of in terms of the Memorandum of Understanding dated 07.12.2017. The terms of the MoU shall form part of the order passed in the Writ Petition. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary,
Government of Tamil Nadu,
Planning Development and
Special Initiatives Department,
Fort St.George, Secretariat,
Chennai - 600 009.

2.The Chairman,
Chennai Metro Rail Limited,
Administrative Office,
Chennai Metro Rail Depot,
Poonamallee High Road,
Koyambedu - 600 107.

3.The Land Acquisition Officer/
Revenue Divisional Officer,
The Chennai Metro Rail Limited,
Tondiarpet, Chennai - 600 021.

+1cc to Mr.Jayesh B.Dolia, Advocate SR.No.87330

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sm:12.12.2017

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