

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.12.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.4809 of 2011
and
MP.Nos.1 and 2 of 2011

EMPEE Hotels Limited

...Petitioner

Vs

- 1.Chennai Metro Rail Limited, represented by its
Managing Director, Chennai-18
- 2.CMDA, represented by its vice Chairperson
Chennai-8
- 3.Fire the Rescue Services, Tamil Nadu
represented by its Director/DGP
Chennai-8

...Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a Writ of Mandamus, to forbear The 1st Respondent or its men or agent or subordinate or persons acting on his behalf from constructing The SIDCO Metro Railway Station of Chennai Metro Railway Limited, or any other structure that exceeds 75 centimeters in height, along the frontage of the Petitioner's property at TS.No.124/1, Block No.3, Jawaharlal Nehru Salai (100' road), Ekkattuthangal, Chennai and to consequently relocate the SIDCO Metro Railway Station.

For Petitioner : Mr.P.Suresh Babu

For Respondent : Mr.Jayesh B Dolia for R1
Mr.M.Karthikeyan, AGP for R3
No Appearance for R2.

ORDER

The prayer in this Writ Petition is to forbear The 1st Respondent from constructing the SIDCO Metro Railway Station of Chennai Metro Railway Limited, or any other structure that exceeds 75 centimeters in height, along the frontage of the Petitioner's property at TS.No.124/1, Block No.3, Jawaharlal

Nehru Salai (100' road), Ekkattuthangal, Chennai and to consequently relocate the SIDCO Metro Railway Station.

2. This court heard the learned counsel on either side and also perused the materials placed on record.

3. The apprehension of the Petitioner is that the Respondent may put up a structure along the property of the Petitioner. By filing a counter, the 1st Respondent has stated that as per the notification under Section 4(1) of the Land Acquisition Act was issued on 28.01.2011 for acquisition of 6034.72 sq.ft. of the land inclusive of 3778.26 of the Petitioner's land, situated at Block No.3, TS.No.124/1, 124/3, 124/4, Village Ekkattuthangal Town and that the Metro Station proposed in that area was shifted to the adjoining area and hence, there is no impact on the Petitioner's Hotel. In view of the said fact, nothing survives for adjudication in this Writ Petition and accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected MPs are closed.

Srcm

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Managing Director,
Chennai Metro Rail Limited,
Chennai-18

2.The Vice Chairperson
CMDA, Chennai-8

3.The Fire and Rescue Services,
Tamil Nadu represented by its
Director/DGP, Chennai-8

+1cc to Mr.J. Ravindran, Advocate, S.R.No.84070
+1cc to Mr.Jayesh B. Dolia, Advocate, S.R.No.84512
+1cc to the Government Pleader, S.R.No.84478

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kak(03/01/2019)