

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2018

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.10509 of 2017

and

WMP Nos.11400 and 11401 of 2017

GK.Abdul Rehman

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Revenue Department,
Secretariat, Chennai 600 009.

2. Chennai Metro Rail Limited,
Administrative Building, CMRL Depot,
Koyambedu, Chennai 600 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus to call for the records of the second respondent's policy for 'project affected persons background' for the Chennai Metro Rail Project and quash the same that the second respondent's policy dated nil in so far as not including allotment of commercial space for tenants in lieu of space acquired as arbitrary and unconstitutional and consequently direct the second respondent to allot a suitable commercial space on priority to the petitioner (matching the highest financial offer accepted by the second respondent for running the business of Mobile Phones and other Allied accessories) in the Chennai Central Metro Railway Station or in the shopping malls proposed by the CMRL adjacent to the Chennai Central Metro Railway Station as per the National Relocation and Rehabilitation Policy, 2007.

For Petitioner : Mr.R.Prem Narayan

For Respondents : Mr.I.Sathish for R1
Additional Government Pleader
Mr.Jayesh B Dolia for R2
Standing Counsel

O R D E R

This writ petition is filed challenging the policy of Chennai Metro Rail Limited.

2. According to the petitioner, the policy should contain a clause for providing a space in the Metro rail constructed area to the persons from whom lands were acquired for making such construction.

3. Learned counsel for the petitioner submitted that since the building belonged to the petitioner has been acquired in a land belonging to Trust Administration, AG & OT, he must be provided with a space inside the Chennai Metro Rail station to do some business.

4. The learned counsel appearing for the CMRL submitted that the petitioner is entitled only for compensation in respect of the building and not entitled for any alternative space that too inside the station or any other place belonging to the CMRL.

5. Heard both sides.

6. A peculiar prayer is sought for in this writ petition by the petitioner claiming that he should be provided an alternative accommodation in the Metro Rail Station, since his building is acquired for the purpose of putting up a station. Therefore, the petitioner seeks for introduction of such clause in the policy. I do not think that the petitioner is entitled to seek such relief, more particularly, when the fact remains that the petitioner is being given the compensation towards his building, which was acquired. The idea of the petitioner in seeking alternative accommodation in the Metro Rail Station, is totally a misconceived one, as permitting such alternative accommodation inside the railway station for the persons, whose lands are acquired, would make the entire project unworkable and paralyse the activities of the CMRL. Needless to say that once lands/buildings are acquired, the respective owners are entitled only to monetary compensation, unless there is a scheme framed by the acquisition authority themselves to provide any alternative accommodation in any other place other than the one acquired. If the accommodation is sought for in the same place

of acquisition, the very purpose of acquisition itself becomes meaningless. Accordingly, I find that the writ petition is totally misconceived and not maintainable. Thus, the same is dismissed. No costs. The connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

vri

To

1. The Secretary to Government,
Energy Department,
Fort St.George, Chennai-9.
2. Chennai Metro Rail Limited,
Administrative Building, CMRL Depot,
Koyambedu, Chennai 600 107.

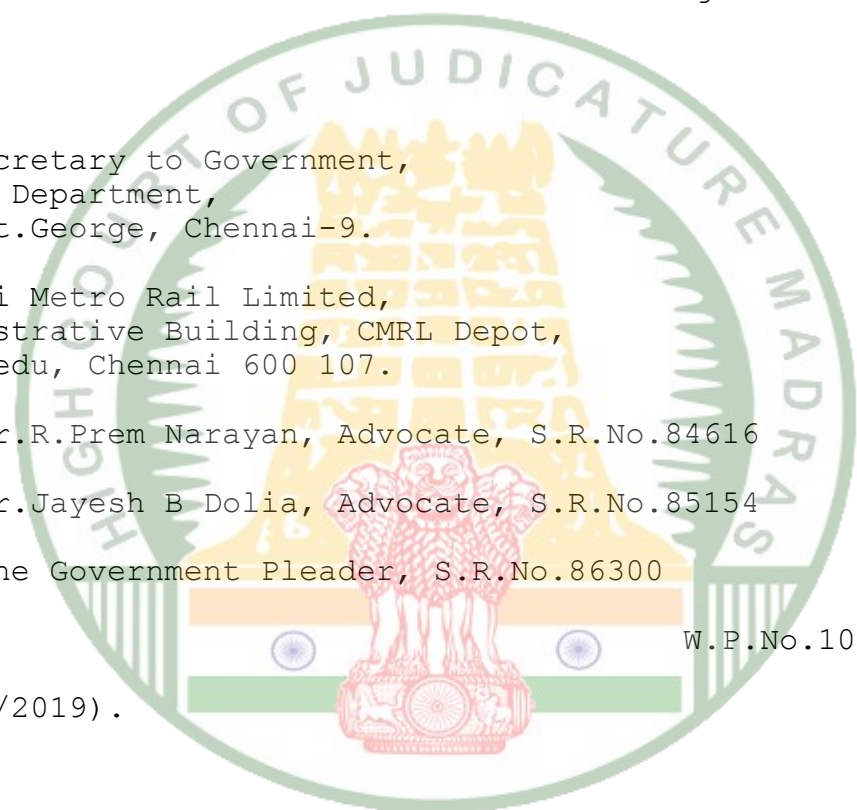
+1cc to Mr.R.Prem Narayan, Advocate, S.R.No.84616

+1cc to Mr.Jayesh B Dolia, Advocate, S.R.No.85154

+1cc to the Government Pleader, S.R.No.86300

W.P.No.10509 of 2017

MP(CO)
SSM(07/01/2019).



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