

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2019

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.3809 of 2011
and M.P.Nos.1 and 2 of 2011
and W.M.P.No37247 of 2018

G.Kalavathy

Petitioner

Vs

1.Chennai Metro Rail Limited
Rep. by District Revenue Officer &
Project Implementation Officer
D.No.11/6, Seethammal Road
Alwarpet, Chennai-600 018

2.The District Collector
Kanchipuram Collector Office
Kanchipuram District

3.The Thasildhar
Tambaram Taluk Office
Now at Alandur Taluk Office
1st Main Road, Nanganallur
Chennai-61

4.The Commissioner
Alandur Municipality
Alandur, Chennai-16

Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of Constitution of India, to issue a writ of Mandamus forbearing the 1st respondent, his officers, subordinate, representative or anyone else claiming on behalf of them from disturbing the peaceful possession of the property and also from demolishing the property comprised in S.No.1366/3, Town S.No.59, St.Thomas Mount Village, bearing No.14, Railway Station Road, Alandur, Chennai-16, Tambaram Taluk, presently Alandur Taluk, Kanchipuram District, measuring an extent of 1628 sq.ft., along with 3344 sq.ft., building.

For Petitioner : Mr.T.Ramachandran

For Respondents : Mr.V.Ananthamoorthy, AGP
for R2 and R3.
Mr.G.Anantha Rangam for R4
Mr.Jayesh B.Dolia for R1

ORDER

This Writ Petition is filed praying to issue a writ of Mandamus forbearing the 1st respondent, his officers, subordinate, representative or anyone else claiming on behalf of them from disturbing the peaceful possession of the property and also from demolishing the property comprised in S.No.1366/3, Town S.No.59, St.Thomas Mount Village, bearing No.14, Railway Station Road, Alandur, Chennai-16, Tambaram Taluk, presently Alandur Taluk, Kanchipuram District, measuring an extent of 1628 sq.ft., along with 3344 sq.ft., building.

2. At the time of admission, no interim order was passed by this court. The 1st respondent-Chennai Metro Rail Limited filed Counter affidavit, wherein, it is stated that the property in question is contained in S.No.59 and measures an extent of 1625 sq.ft., or 152 sq.m., out of this extent, about 89 sq.m., has been utilized by Chennai Metro Rail Limited for the project. It is further stated that the vendor of the Petitioner was an occupant of two properties situated in T.S.No.53 and T.S.No.59 which were Government Poramboke Lands. The vendor of the Petitioner did not obtain any patta for the said land and the said land has been transferred to the 1st respondent. It is further stated that the total extent of T.S.No.53 is 152 sq.m., out of which 89 sq.m. have been used by Chennai Metro Rail Limited for construction of Alandur Metro Station. As per the letter of Special Tahsildar, Urban Land Tax, Alandur, dated 28.03.2018, the entire extent of land in T.S.No.59 stood classified as Indian Poramboke lands. As per letter dated 28.03.2018 given by District Revenue Officer, Kanchipuram, as per TSR, the entire extent of land in T.S.No.59 stood classified as Indian Government Poramboke lands. The first respondent also stated that the elevated civil contract from Ashok Nagar to St.Thomas Mount Station has been awarded on 10.02.2010 itself and the land in dispute has been handed over to the contractor on 25.02.2011 and as on date, the construction of the Metro Station stands complete and trains are fully functional and therefore nothing survives for adjudication in this writ petition.

3. The learned counsel for the Petitioner would submit that even though the Petitioner has sought for the aforesaid prayer,

now, seeking permission to seek compensation for the above said disputed land. The learned counsel also placed reliance on the earlier order of this court passed in W.P.No.14608 of 2011 dated 30.09.2011, wherein, under similar circumstances, this court directed the Chennai Metro Rail Limited to pay the differential amount towards compensation in respect of the subject properties and further directed the Petitioners therein to hand over the possession in the event of further payment of the said differential amount.

4. The learned counsel for the first respondent would submit that where there is a dispute in the title or where classification of lands stand as poramboke/gramanatham, the Honourable Supreme Court of India in a batch of Civil Appeal Nos.8269 to 8271 of 2015, directed the occupants of such lands to resort to filing civil suits in the competent courts to prove their title and held that the Writ Court cannot decide question with respect to title. Further, in view of the submission that construction of Metro Station stands complete and trains are fully functional, this court is of the considered view that the prayer in the Writ Petition cannot be considered at this stage and therefore, this Writ Petition is liable to be rejected. However, considering the request made by the Petitioner for reasonable compensation, it is open to the Petitioner to approach the 2nd respondent for appropriate relief.

5. In the result, the Writ Petition is dismissed with liberty to the Petitioner to approach the 2nd respondent seeking compensation, who in turn shall consider the same and pass orders after considering the relevant rules and Government orders in this regard. No costs. Consequently, connected M.P.Nos.1 and 2 of 2011 and WMP.No.37247 of 2018 are closed.

Sd/-

Assistant Registrar(CS-VI)

//True copy//

Sub Assistant Registrar

nvsri

To

- 1 The District Revenue Officer &
Project Implementation Officer
Chennai Metro Rail Limited
No.11/6, Seethammal Road, Alwarpet, Chennai-600 018

2.The District Collector
Kanchipuram Collector Office, Kanchipuram District

3.The Thasildhar
Tambaram Taluk Office, Now at Alandur Taluk Office
1st Main Road, Nanganallur, Chennai-61

4.The Commissioner
Alandur Municipality
Alandur, Chennai-16

+1cc to Mr.T.Ramachandran, Advocate SR.No.29

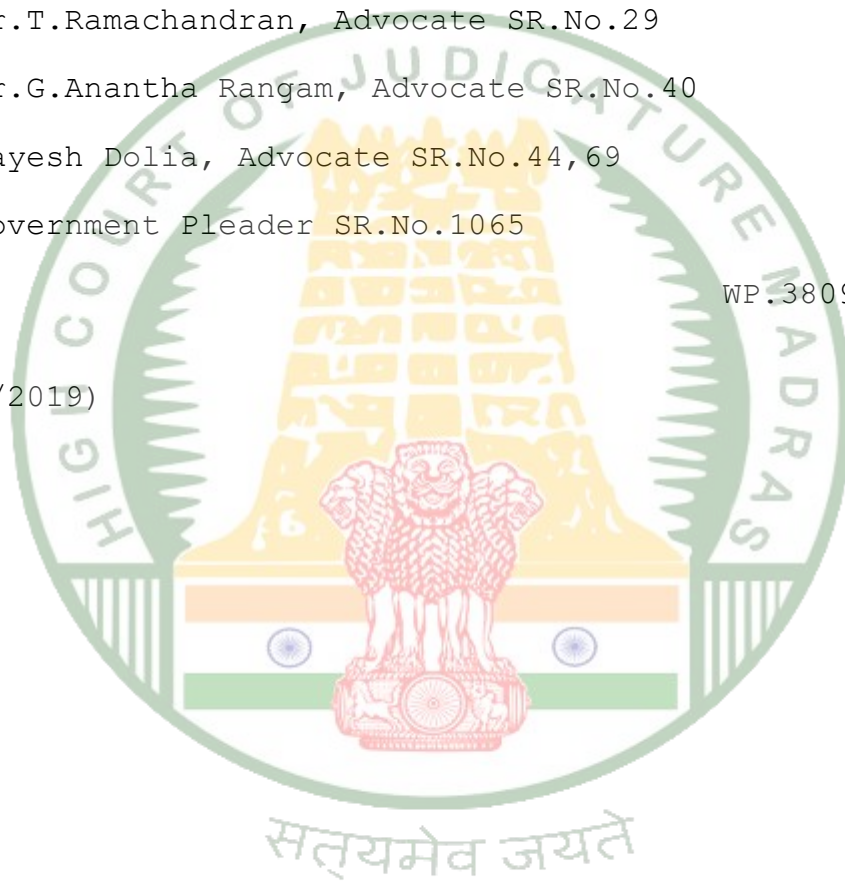
+1cc to Mr.G.Anantha Rangam, Advocate SR.No.40

+2cc to Jayesh Dolia, Advocate SR.No.44,69

+1cc to Government Pleader SR.No.1065

WP.3809 of 2011

SR(CO)
GMY(05/02/2019)



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