

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2021

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

W.P.NOS.7931 & 7932 OF 2012

AND

M.P.NO.1 & 1 OF 2012

Ganga Sweets,
Rep. by Partner,
N.Senthil Kumar,
S/o. K.Nallaiah,
Shops No.4 and 5 in Plot No.AD-3,
2nd Avenue, Anna Nagar West,
Chennai - 600 040.

.. Petitioner in W.P. No.7931 of 2012

Blue Star Opticians,
Rep. by Sole Proprietor,
M.Mohamed Mohideen,
S/o. M.Mohamed Syed,
Plot No.33, 4th Street,
Royal Garden, Kattupakkam,
Chennai - 600 056.

.. Petitioner in W.P. No.7932 of 2012

Vs

1. The Managing Director,
Chennai Metro Rail Ltd.,
No.11/6, Seethammal Road,
Alwarpet, Chennai - 600 018.
2. The District Revenue Officer,
Chennai Metro Rail Ltd.,
No.11/6, Sethammal Road,
Alwarpet, Chennai - 600 018.
3. The Special Tahsildar (L.A.),
Chennai Unit - I, Chennai Metro Rail Scheme,
Harini Towers, No.7, Contronsmith Road,
Gopalapuram, Chennai - 600 086.

4.G.Damodharan

.. Respondents in both W.P's.

Prayer:-

Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the respondents 1 to 3 to pay to the petitioner six months rent towards allowance, displacement allowance and the advance paid by the petitioner to the 4th respondent as announced by them in Clause No.4 of the Policy explanatory compilation relating to Metro Rail Project.

For Petitioners : Mr.R.Thirugnanam
(in both W.P's)

For Respondents 1 : Mr.Jayesh B.Dolia

(in both W.P's.) 2 & 3: Mr.M.Elumalai
Additional Government Pleader

4 : No appearance

C O M M O N O R D E R

These Writ Petitions are filed for the issuance of Writ of Mandamus directing the respondents 1 to 3 to pay the petitioner's six months rent towards allowance, displacement allowance and the advance paid by the petitioner to the 4th respondent as announced by them in Clause No.4 of the Policy explanatory compilation relating to Metro Rail Project.

2. The petitioners were the tenants when the property was acquired for Metro Rail Project. It is not in dispute that as per the Policy explanatory compilation relating to the Metro Rail Project issued by the first respondent, upon getting possession from tenants, the first respondent undertakes to give six month's rent as allowance apart from displacement allowance and the rental advance which the tenant had paid earlier to the landlord. This Court earlier passed an order on 11.09.2020. The relevant portions of the said order is extracted hereunder:

"....

Recording the submissions made by the learned counsel on either side, the petitioners are directed to produce all the relevant documents before the 1st respondent within a period of two weeks from the date of receipt of a copy of this order. The petitioner shall also give an undertaking to the effect that they have not received back the advance amount paid to the land owner. On submission of the documents, the 1st

respondent shall conduct enquiry and pass orders within a period of two months from the date of submission of the documents."

Pursuant to the order of this Court dated 11.09.2020, the District Revenue Officer passed an order by proceedings dated 23.12.2020, accepting the petitioner's claim regarding six months rental allowance and shifting allowance (Displacement allowance). However, as per the statements recorded and the contentions of the petitioners as well as the fourth respondent, it is held that the petitioners are not eligible to get the advance amount of Rs.1,50,000/- since the landlord namely the fourth respondent has not admitted his liability to repay any advance amount to the petitioners. The fourth respondent has stated before District Revenue Officer that the rental deposit was made to the previous landlord and that the previous landlord has not transferred the said advance to the fourth respondent.

3. Considering the facts and circumstances of this case, this Court is of the view that the dispute with regard to the payment of rental advance and the liability of fourth respondent cannot be determined without impleading the erstwhile landlord who had transferred the property to the fourth respondent. As far as the liability to pay six months rent as well as shifting allowance, this Court is inclined to direct the respondents to make the payment forthwith.

4. Accordingly, the second respondent is directed to determine the quantum towards rental allowance for six months and pay the said sum along with the sum of Rs.20,000/- within a period of two weeks from the date of receipt of a copy of this order. It is open to the petitioner to receive any amount towards rental advance by approaching the Civil Court or by negotiation with the fourth respondent or the erstwhile landlord.

5. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VII)

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Sub Assistant Registrar

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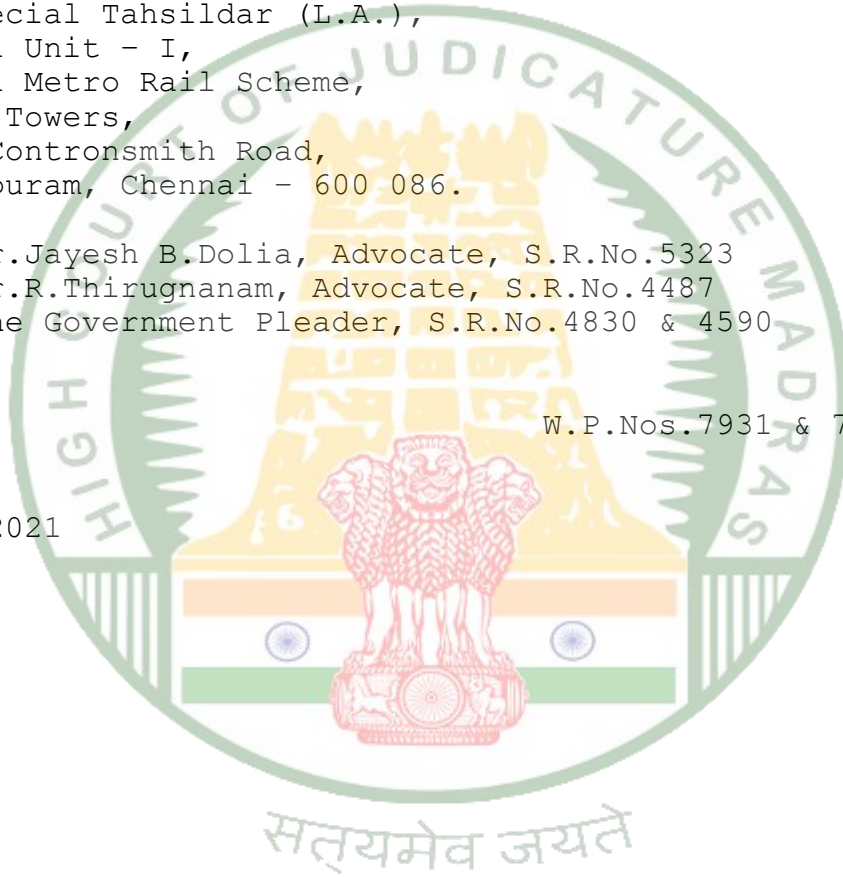
To

1. The Managing Director,
Chennai Metro Rail Ltd.,
No.11/6, Seethammal Road,
Alwarpet, Chennai - 600 018.
2. The District Revenue Officer,
Chennai Metro Rail Ltd.,
No.11/6, Sethammal Road,
Alwarpet, Chennai - 600 018.
3. The Special Tahsildar (L.A.),
Chennai Unit - I,
Chennai Metro Rail Scheme,
Harini Towers,
No.7, Contronsmith Road,
Gopalapuram, Chennai - 600 086.

+1cc to Mr.Jayesh B.Dolia, Advocate, S.R.No.5323
+1cc to Mr.R.Thirugnanam, Advocate, S.R.No.4487
+1cc to the Government Pleader, S.R.No.4830 & 4590

W.P.Nos.7931 & 7932 of 2012

PL(CO)
CS/18/03/2021



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