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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2021

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.25780 of 2021

and

W.M.P.Nos.27234 and 27236 of 2021

1. R.Mahendrakumar
2. R.Deivaprakash
3. R.Madhankumar
4. N.S.Krishnakumar

... Petitioners

Vs

1. State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development
Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. Chennai Metro Rail Ltd.,
Represented by its Managing Director,
CMRL Depot, Poonamallee High Road,
Koyambedu, Chennai-600 107.
3. The District Revenue Officer,
(Land Acquisition), Chennai Metro Rail Ltd.,
CMRL Depot, Poonamallee High Road,
Koyambedu, Chennai-600 107.
4. The Special Tahsildar (LA) and
Land Acquisition Officer,
Chennai Unit II, Chennai Metro Rail Limited,
Poonamallee High Road,
Koyambedu, Chennai-600 107.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from acquiring the petitioners' property bearing Old Door Nos.10,12 and 13 and New Municipal Door Nos.12 and 13 and at present Door Nos.27, 29, 31 and 33, Reddy Street, Villivakkam, Chennai, comprised in O.S.No.11-A/7, present R.S.Nos.26 and 27, Block No.12, without complying with



the mandatory provisions of acquisition for the purpose of constructing Metro Rail Project.

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For Petitioners : Mr.P.V.Raman,
Senior Counsel
for Mr.C.Seethapathy

For Respondents : Mr.G.Ameedius
Government Advocate (for R1, R3 & R4)
: Mr.Jayesh B.Dolia (for R2)

ORDER

This writ petition is filed to issue a Writ of Mandamus, to forbear the respondents from acquiring the petitioners' property bearing Old Door Nos.10,12 and 13 and New Municipal Door Nos.12 and 13 and at present Door Nos.27, 29, 31 and 33, Reddy Street, Villivakkam, Chennai, comprised in O.S.No.11-A/7, present R.S.Nos.26 and 27, Block No.12, without complying with the mandatory provisions of acquisition for the purpose of constructing Metro Rail Project.

2. The case of the petitioners is that they are the absolute owners of the properties bearing old Door Nos.10, 12 and 13 and New Municipal Door Nos.12 and 13 and Present Door Nos.27, 29, 31 and 33, situated at Reddy Street, Villivakkam, Chennai, comprised in O.S.No.11-A/7, present R.S.Nos.26 and 27, Block No.12, ad-measuring total extent of 6960 sq.ft of land and they have constructed building thereon and the petitioners are in possession and enjoyment of the same and it is classified as "Grama Natham". While that being so, the officials of the second respondent visited the petitioners' properties and had orally informed them that they wanted to acquire a portion of the petitioners' land and building for the purpose of proposed Metro Rail Project. But later, that they were informed that they have changed their plan and have dropped the acquisition plan. Again, on 20.10.2021, the officials of the second respondent visited the subject properties and informed the petitioners to attend the meeting on 21.10.2021 organized by the second respondent. After attending the said meeting with the second respondent authorities, the petitioner submitted detailed representation for the proposed implementation of the project. However, without following due process of law, they are trying to acquire the subject properties.

3. In the meanwhile, the petitioner came to understand from the Government Order in G.O.Ms.No.267, dated 09.11.2021 that the properties comprised in Block No.12, S.Nos.1 and 27, Block No.56, S.No.147, situated at Reddy Street, Villivakkam



Village, Aminchikarai Taluk, Chennai District are ad-measuring an extent of 491 sq.mts and sanction was accorded to transfer the said land in favour of the second respondent. However, no proceedings had been initiated to acquire the subject lands. The subject lands are classified as "Grama Natham". In this regard, the learned Senior Counsel for the petitioners relied upon the judgment of the Hon'ble Division Bench of this Court in W.P.Nos.26234 & 26237 of 2018, dated 11.10.2018 (T.S.Ravi -vs- The District Collector and others) and this Court held that the Government have no right to evict persons who are in occupation of lands classified as "Grama Natham" in the Revenue Records by invoking the provisions of the Tamil Nadu Land Encroachment Act, 1905, or any other enactment. It is always open to the Government to acquire the lands by paying compensation, if they are needed for any public purpose.

4. Considering the above facts and circumstances, the respondents are restrained from acquiring the subject properties bearing Old Door Nos.10,12 and 13 and New Municipal Door Nos.12 and 13 and at present Door Nos.27, 29, 31 and 33, Reddy Street, Villivakkam, Chennai, comprised in O.S.No.11-A/7, present R.S.Nos.26 and 27, Block No.12, except due process of law.

5. With the above direction, this Writ Petition is disposed of. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

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To

1. The Secretary,
State of Tamil Nadu,
Housing and Urban Development
Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Managing Director,
The Chennai Metro Rail Ltd.,
CMRL Depot, Poonamallee High Road,
Koyambedu, Chennai-600 107.



3. The District Revenue Officer,
(Land Acquisition), Chennai Metro Rail Ltd.,
CMRL Depot, Poonamallee High Road,
Koyambedu, Chennai-600 107.

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4. The Special Tahsildar (LA) and
Land Acquisition Officer,
Chennai Unit II, Chennai Metro Rail Limited,
Poonamallee High Road,
Koyambedu, Chennai-600 107.

+1cc to Mr.Jayesh B.Dolia, Advocate SR.No.66515

+1cc to Mr.C.Seethapathy, Advocate SR.No.66825

+1cc to Government Pleader SR.No.67073

W.P.No.25780 of 2021

RLD(CO)
GMY(05/01/2022)