



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.03.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.3809 of 2022 and
W.M.P.No.3938 of 2022

1. N.Deivajothi
2. R.Nagarajan
3. Ravi Kumar
4. Chandra
5. Shanthi
6. Rani

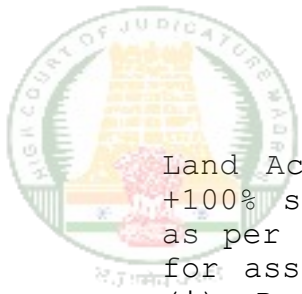
... Petitioners

vs.

1. The District Collector,
Chennai Collectorate Office,
62, Rajaji Salai, 4th Floor,
Chennai, Tamil Nadu- 600 001.
2. The Chairmanship of Director (Projects & Planning)
Chennai Metro Building,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai - 600 107.
3. Project Director (PD),
Chennai Metro Building,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai - 600 107.
4. Project Land Acquisition Officer / Special Tahsildar(LAO),
Chennai Metro Building,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai - 600 107.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing to dispose the petitioners' representation dated 11.02.2016, 26.08.2016, 20.10.2016 and 05.11.2021 by following the procedural law to compensate the petitioners by redetermining the given compensation of Rs.2000/- per sq.foot to Rs.7,503/- as per sq. ft. under the Right to Fair compensation and Transparency in



Land Acquisition, Rehabilitation and Resettlement Act, 2013 of +100% solatium of revised compensation + Transportation charges as per the Metro Railways policy + Enhance the valuation amount for assets attached with the residential properties situated in (i) Door Nos.42/2, T.S.No.2557/2 Ramanujam Iyer Street, Old Washermenpet, Chennai - 600 021 (ii) Block No.41, T.S.No.2557/1, bounded on door no, Old No.42/1, New No.37, Ramanujam Iyer Street, Old Washermenpet, Chennai - 600 021 and current value of the Building + Assets attached to the land + 12% interest under Section 30 (3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013, till to the date of award passed by the 1st respondent for the said commercial properties situated at (i) No.43, Ramanujam Iyer Street, Old Washermenpet, Chennai - 600 021, (ii) Block No.41, T.S.No.2557/1, bounded on door no, Old No.42/1, New No.37, Ramanujam Iyer Street, Old Washermenpet, Chennai - 600 021 and also direct the 1st respondent to made reference to the authority (Civil court) for the further Land Acquisition proceedings (redetermination of compensation) as per under Section 64 of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioners : Mr.Gokula Rao

For Respondents : Mr.C.Karthiravan
Special Government Pleader for R1

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus directing the respondents to dispose the petitioners' representation dated 11.02.2016, 26.08.2016, 20.10.2016 and 05.11.2021.

2. The case of the petitioners is that the petitioners' residential premises and commercial shops in Door Nos.42/2, 43, Old No:42/1, New No.37 situated at Ramanujam Iyer Street, Old Washermenpet, Chennai - 600 021 were acquired by CMRL, Chennai for the purpose of broadening the Metro railway track at Thiagaraja College Metro as per Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 (for short 'the Act'). Thereafter, a Show cause notice under Section 3(2) of 'the Act' dated 24.05.2016 was issued by Land Acquisition Officer to the petitioners to show cause within 30 days, pursuant to which, the petitioners, appeared before the Land Acquisition Officer and made a request for fixation of fair compensation as per market value. After a while, the respondents started forcing the petitioners to vacate the premises. That being so, the petitioners made repeated representations to the respondents



dated 12.02.2016, 26.08.2016, 20.10.2016 and 05.11.2021 for fixation of fair compensation as per Section 15(3) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. However till date no action has been taken by the respondents and hence the petitioners have come up with the present Writ Petition seeking the aforesaid relief.

3. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court issues direction to the 1st respondent to consider the enhancement for fair compensation in terms of 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 within a time frame to be fixed by this Court.

4. The learned Special Government Pleader for 1st respondent submits that the 1st respondent will consider the representations of the petitioners as per Section 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purpose Act, 1997 on merits and in accordance with law.

5. In view of the aforesaid submissions, this Court without expressing any opinion on the merits of the case, directs the respondents to consider the petitioners representations dated 12.02.2016, 26.08.2016, 20.10.2016 and 05.11.2021 and pass appropriate orders on merits and in accordance with law, after affording opportunity of hearing to the petitioners herein, within a period of twelve weeks from the date of receipt of a copy of this order.

6. This writ petition is accordingly disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rap/skt

To

1. The District Collector,
Chennai Collectorate Office,
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WEB COPY

2. The Chairmanship of Director (Projects & Planning)

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3. The Project Director (PD),

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4. The Project Land Acquisition Officer / Special Tahsildar (LAO),

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Poonamallee High Road,
Koyambedu, Chennai - 600 107.

+4cc to Mr.Gokula Rao, Advocate, S.R.No.13439

W.P.No.3809 of 2022

GPL(CO)
SB(22/03/2022)