



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.2380 of 2022

C.Vishal Kumar

...Petitioner

vs.

1. The Managing Director,
Chennai Metro Rail Ltd,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai-600107.

2. The District Revenue Officer (LA),
Chennai Metro Rail Ltd,
Koyambedu,
Chennai-600107.

3. S.Chandrasekaran

4. S.Karunakaran

5. K.Jamuna

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the first and second respondents to deposit the compensation amount for the show cause notice dated 24.11.2021 against petitioner's grandmother Late Mrs.Ranganayaki Ammal, under sub section (2) of section 3 of the Tamil Nadu acquisition of land for industrial Purposes Act 1997, until disposal of the O.S.NO.5027 of 2015 pending before the leaned XIII Asst City Civil Court at Madras.

For Petitioner : Mr.M.Balaji

For Respondents : Ms.D.Tamilselvi
Additional Government Pleader

ORDER

The petitioner has filed this petition seeking a direction to the first and second respondents to deposit the compensation amount for the show cause notice dated 24.11.2021 against petitioner's grandmother under sub section (2) of section 3 of the Tamil Nadu acquisition of land for industrial Purposes Act



1997, until disposal of the O.S.NO.5027 of 2015 pending before the learned XIII Asst City Civil Court at Madras.

2. Ms.D.Tamilselvi, learned Additional Government Advocate takes notice for the respondent. In view of the limited relief sought for in this petition and on the consent expressed by the Learned counsel appearing on either side, this petition is taken up for final disposal.

3. Since, no adverse order is being passed against the respondents 3 to 5, notice to the respondents is dispensed with.

4. The case of the petitioner is that the petitioner claims that petitioner's land was acquired under sub section (2) of section 3 of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997. Further the case of the petitioner is that there was some dispute between the petitioner and private respondents for which petitioner filed a suit O.S.No.5027 of 2015 on the file of the learned XIII Asst City Civil Court, Madras against the private respondents and the same is still pending. While so, the private respondents is trying to receive the amount from the acquisition authorities for which the present writ petition is filed.

5. Though very many grounds have been raised, learned counsel for the petitioner submits that it would suffice if this Court directs respondents to deposit the compensation amount to the credit of O.S.No.5027 of 2015 pending before the learned XIII Asst City Civil Court, Madras, till the disposal of the suit.

6. The learned Additional Government Advocate appearing for the respondents submits that the mechanism available under the Industrial Dispute Act, the State Government has power to acquire the land. In the present case the pre-notification was issued on 24.11.2021. Thereafter, the land rests with the Government. However, as per Section 9 of the Act, if there are several persons interested to claim the amount, it would be determined by the Collector, and if any dispute arise as to the apportionment of the same, the Collector may refer such a dispute for the decision of the Court. In the present, if petitioner has any grievance he has to approach the competent authority namely, the second respondent to refer the dispute before the competent Court. Instead of approaching the second respondent, filing of above writ petition is not sustainable.

7. The land has been acquired under the Tamil Nadu Acquisition of Land for Industrial Purpose Act. After issuing notification, land vests with the government. As rightly pointed by the learned special government pleader appearing for the



respondents as per section 9, if there are several persons interested to claim the amount, it would be determined by the Collector, and if any dispute arise as to the apportionment of the same, the Collector has to refer the dispute to the decision of the Court. Therefore, in view of the provision the prayer sought for in this writ petition is not maintainable. However, liberty granted to the petitioner to file appropriate petition before the second respondent within a period of two weeks from the date of receipt of copy of this order. If such a representation is filed, second respondent shall pass appropriate orders in terms of the Industrial Dispute Act, 1997, within a period of six weeks thereafter, after affording opportunity to R.3 to R.5. With the above said observation the present writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

nhs/tri

To

1. The Managing Director,
Chennai Metro Rail Ltd,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai-600107.
2. The District Revenue Officer (LA),
Chennai Metro Rail Ltd,
Koyambedu,
Chennai-600107.

+1cc to the Government Pleader, S.R.No.10311

W.P.No.2380 of 2022

KG (CO)
SU (07/03/2022)