



WEB COPY



W.P.No.1374 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.1374 of 2022
W.M.P.Nos.1494, 5103, 28389 & 28393 of 2022

R.C.Joshua

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Chief Secretary to Government,
Secretariat, Fort St.George,
Chennai – 600 009.

2.Chennai Metro Rail Limited,
Rep. by its Chairman/MD,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.

3.The District Revenue Officer,
Land Acquisition,
Chennai Metro Rail Limited,
Koyambedu, Chennai – 600 107.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorari Mandamus calling for the records from the file of the 3rd respondent relating to the (1) Notice dated 04.01.2022 in



W.P.No.1374 of 2022

Na.Ka.11/Ni.A/Se.Ma.Ra.Thi/2018 and (2) undated Show Cause Notice received on 10.08.2021 and quash the same and consequently forbear the respondents from in any manner interfering with the petitioner's ownership and possession over the property comprised in S.No.3132/8 Part of Block 52 of Purasawalkam Village, Pursawalkam Taluk, Chennai District.

For Petitioner : Mr.P.Ambilimenon

For Respondents 1&3 : Mr.B.Vijay,
Additional Government Pleader

For Respondent 2 : M/s.Jayesh B Dolia

ORDER

This writ petition has been filed for seeking issuance of Writ of Certiorari Mandamus calling for the records from the file of the 3rd respondent relating to the (1) Notice dated 04.01.2022 in Na.Ka.11/Ni.A/Se.Ma.Ra.Thi/2018 and (2) undated Show Cause Notice received on 10.08.2021 and quash the same and consequently forbear the respondents from in any manner interfering with the petitioner's ownership and possession over the property comprised in S.No.3132/8 Part of Block 52 of Purasawalkam Village, Pursawalkam Taluk, Chennai District.



W.P.No.1374 of 2022

2. The case of the petitioner is that the petitioner is the owner of 3 grounds of land situated in Re-Survey No.3132/8 at Block 52, Balfour Road, Kellys, Kilpauk, Chennai. The third respondent has issued an undated Show Cause Notice under Section 3(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999) (hereinafter referred to as 'Act') to the petitioner, calling upon him to show cause within 30 days from the date of said notice, as to why his land should not be acquired for construction of Chennai Metro Rail Project. The petitioner has submitted his statement of objections dated 02.09.2021 as reply to the said Show Cause Notice, however, thereafter, there was no response from the third respondent.

2.1. Further the case of the petitioner is that the third respondent has issued the said Show Cause Notice without any attachment of sketch/plan for proposed construction of Chennai Metro Rail Junction at Kellys. While so, the third respondent vide notice in Na.Ka.No.11/Ni.A/Se.Ma.Ra.Thi/2018 dated 04.01.2022, called upon the petitioner to present in the office of the second respondent on 27.01.2022 at 11.00 a.m., for determining the value of his land which is proposed to be acquired for construction of 14-Kellys Junction Metro



W.P.No.1374 of 2022

Station under Section 7(2) of the Act. Aggrieved over the aforesaid notices issued by the third respondent, the petitioner has filed the present writ petition.

3. Learned counsel for the petitioner on instruction submitted that the petitioner is ready to enter into private negotiations with the respondents for acquiring the lesser area and for usage of remaining land for temporary measures. Hence, this Court may fix a outer limit time for negotiation process and pay adequate compensation in favour of the petitioner.

4. Learned Additional Government Pleader appearing for the respondents would submit that private negotiation will be concluded within a period of two weeks and compensation amount will also be disbursed at the time of execution of sale deed.

5. Heard the learned counsel on either side and perused the materials placed on record.

6. In view of the concerned expressed by the learned counsel on either



W.P.No.1374 of 2022

side, this Court is inclined to dispose the matter with the following terms:

(1) the petitioner is directed to appear before the private negotiation committee along with the title deeds, within a period of two weeks from the date of receipt of a copy of this order.

(2) On such appearance of the petitioner, this Court directs the respondents to entertain the private negotiation and conclude the same within a period of two weeks thereafter and disburse the compensation amount in favour of the petitioner at the time of execution of sale deed.

7. With the aforesaid direction, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

07.11.2022

vm

Index : Yes/No

Speaking Order : Yes/No



WEB COPY



W.P.No.1374 of 2022

To:

- 1.The Chief Secretary to Government,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Chairman/MD,
The Chennai Metro Rail Limited,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.
- 3.The District Revenue Officer,
Land Acquisition,
Chennai Metro Rail Limited,
Koyambedu, Chennai – 600 107.



WEB COPY



W.P.No.1374 of 2022

M.DHANDAPANI,J.

vm

W.P.No.1374 of 2022



WEB COPY



W.P.No.1374 of 2022

07.11.2022