



IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 01.04.2022

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.25349 of 2014

Bharat Petroleum Corporation Ltd,
No.35, Vaidyanathan Street,
Tondiarpet, Chennai-600 081.
Rep. By its Territory Manager-Retail

...Petitioner

vs.

1. The Secretary to Government of Tamil Nadu,
(Special Initiative),
Planning, Development & Special Initiative Department,
Secretariat,
Chennai-600 009.
2. The Land Acquisition Officer,
Special Tahsildar, (LA)
Chennai Metro Rail Ltd.
Chennai Unit I, Chennai-600 086.
3. The Special Tahsildar,
Chennai Unit (LA), (I/C)
Chennai Unit, Chennai Metro Rail Ltd,
Administrative Building,
Poonamallee High Road, Koyambedu,
Chennai-600 107.
4. The Chennai Metro Rail Ltd.,
Harini Towers,
No.7, Conran Smith Road,
Gopalapuram, Chennai-600 086.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 2nd respondent to refer the matter to a competent Court for determination of compensation payable to the petitioner within a time frame.

For Petitioner : M/s.C.Uma Bhuvaneswari
for Mr.O.R.Santhanakrishnan



For Respondents R1 to R3: Mr.P.Sathish
Additional Government Pleader

ORDER

WEB COPY

This Writ Petition has been filed by the petitioner seeking for a issuance of Writ of Mandamus to direct the 2nd respondent to refer the matter to a competent Court for determination of compensation payable to the petitioner.

2. The case of the petitioner is that, the petitioner / corporation is a Government of India undertaking engaged in Refining and Marketing of Petroleum products and has established retail outlets in various places and one such retail outlet was operated by the petitioner corporation in the name and style of M/s Car Care Centre, which was catering essential commodities like Petrol, Diesel and Auto LPG and they are serving for the last 33 years, operated by one Mr.J.Pushparaman. Whiles, the 3rd respondent issued notification dated 17.08.2011 in G.O.Ms.No.153, Planning, Development & Special Initiatives (SI) Department, for acquisition of the subject portion of the land for the purpose of construction of Metro Rail Project. The petitioner/corporation received a communication regarding the same from the 3rd respondent to remove the petroleum products and vacate and hand over the possession of the premises to them for construction of Underground Metro Station and associated tunnels. Further, the Government approved valuer firm for the survey and valuation of the assets and the same was done by one M/s Judah Consultants, a Government Approved Valuation firm and the petitioner / corporation vide letter dated 18.07.2012 brought to the notice of the 1st respondent by attaching all the necessary and supporting documents and original valuation reports, establishing the extent of loss of their capital investments made in putting up these facilities at the said retail outlet, due to the said acquisition process and sought for fair compensation.

3. Thereafter, the 2nd respondent, vide letter dated 13.09.2013, under Ref.RC.154/ LA/ CMRL/ 2011, published the notice of Award under Section 12(2) of the Land Acquisition Act, and awarded a sum of Rs.3,45,295/- for the structural unit and the award amount of Rs.3,10,765/-, was received by the petitioner / corporation, vide instrument dated 04.11.2013 under protest and without prejudice to their rights. Thereafter, the petitioner/corporation sent a letter dated 12.03.2014 to the 2nd respondent and requested to refer the matter to the Competent Court under Section 18 of the Land Acquisition Act (in short 'Act'), for determination of fair compensation, however, the same was rejected by the 3rd respondent, vide letter dated



Rehabilitation and Resettlement Act, 2013 for determination of fair compensation. Hence, this Court issues direction to the petitioner/corporation to send the letter dated 12.03.2014 to the 2nd respondent along with the copy of this order and on receipt of the same, the 2nd respondent shall consider the same on merits and refer the matter to the Competent Court under Section 18 of the said Act read with Section 64 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 for determination of fair compensation within a period of eight weeks thereafter.

8. With the above direction, this Writ Petition is allowed.
No Costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

skt
To:

1. The Secretary to Government of Tamil Nadu,
(Special Initiative),
Planning, Development & Special Initiative Department,
Secretariat,
Chennai-600 009.
2. The Land Acquisition Officer,
Special Tahsildar, (LA)
Chennai Metro Rail Ltd.
Chennai Unit I, Chennai-600 086.
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+1 cc to Government Pleader Sr.NO. 22790

W.P.No.25349 of 2014

ak(CO)
A.SK(27/04/2022)