



WEB COPY



W.P.Nos.22746, 22756, 24231 & 24234 of 20__

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 23.11.2022

Coram

The Honourable Mr.Justice M.DHANDAPANI

**W.P.Nos.22746, 22756, 24231 & 24234 of 2022
and W.M.P.Nos.21783, 21785, 21787, 21794, 23208 & 23210 of 2022**

W.P.No.22746 of 2022:

Mr.A.C.R.Rajganesan

...Petitioner

Versus

- 1.State of Tamil Nadu,
Represented by
Additional Chief Secretary to Government,
Planning, Development
and Special Initiatives Department,
Secretariat,
Chennai – 600 009.
- 2.District Revenue Officer (LA),
Chennai Metro Rail Limited,
Koyambedu,
Chennai – 600 107.
- 3.The Special District Revenue Officer (LA),
Chennai Metro Rail Limited,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.



W.P.Nos.22746, 22756, 24231 & 24234 of 20__

WEB.COM

4.Chennai Metro Rail Limited,
Represented by its Managing Director,
having office at Admin Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a writ of certiorarified mandamus calling for the
records of the Award No.C3/011/2021 dated 15.06.2022 on the file of the
third respondent to quash the same being it is illegal, null and void, unjust,
unfair, against the principles of natural justice and without jurisdiction.

For Petitioner	:	Mr.Naveetha Krishnan for Mr.R.Naveen
For Respondents – 1 to 3	:	Mr.S.Silambanan, Additional Advocate General Assisted by Mr.Yogesh Kannadasan
For Respondent – 4	:	Mr.P.Shanmuga Sundaram, Advocate General Assisted by Mr.Jayesh B.Dolia

W.P.No.22756 of 2022:

Mr.A.C.R.Rajganesan

...Petitioner



Versus

WEB COPY

- 1.State of Tamil Nadu,
Represented by
Additional Chief Secretary to Government,
Planning, Development
and Special Initiatives Department,
Secretariat,
Chennai – 600 009.
- 2.District Revenue Officer (LA),
Chennai Metro Rail Limited,
Koyambedu,
Chennai – 600 107.
- 3.Chennai Metro Rail Limited,
Represented by its Managing Director,
having office at Admin Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the Tamil Nadu Government Gazette No.35 dated 01.09.2021, Part II Section 2 at page nos.366 and 367, Notice under sub-section (1) of section 3 of Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997, acquiring land situate in T.S.No.13/253 Part, Ryotwari Manai, Block No.21 of Urur Village, Velachery Taluk, Chennai District measuring 403 Sq.mts mentioning land owner as T.Raja for industrial



purposes to wit to forming of “Adyar Junction Metro Station No.26” as per G.O.Ms.No.130, Planning, Development and Special Initiatives Department (S.I) dated 31.05.2021 and to quash the same in respect of writ petitioner's above said land in Survey No.13/302 and 13/311 sub divided from 13/253 Part, as it is illegal, null and void, unjust, unfair, illegal, against the principles of natural justice, without jurisdiction.

For Petitioner	:	Mr.Naveetha Krishnan for Mr.R.Naveen
For Respondents – 1 & 2	:	Mr.S.Silambanan, Additional Advocate General Assisted by Mr.Yogesh Kannadasan
For Respondent – 3	:	Mr.P.Shanmuga Sundaram, Advocate General Assisted by Mr.Jayesh B.Dolia

W.P.No.24231 of 2022:

- 1.M/s.Ajay Developers Private Limited
Represented by its Director Mr.Sarath Kakamanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 2.M/s.Apple Advertising & Marketing Private Limited
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.



WEB COPY

- 3.M/s.Arun Developers Private Limited
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 4.M/s.Beena Hotels & Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 5.M/s.Geetha Subbiah Engineers & Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 6.M/s.Hotel Snow White (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 7.M/s.Hotel Temple View (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 8.M/s.K.S.Hotels & Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.



WEB COPY

- 9.M/s.Kakumanu Developers (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 10.M/s.Pioneer Technical Services (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 11.M/s.Pioneer Textile Machinery (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 12.M/s.Sarath Hotels (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 13.M/s.Sri Murugan Hotels (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 14.M/s.Sri Subbiah Engineers & Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.



WEB COPY

15.M/s.Sudarshan Hotels (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

16.M/s.Tirumal Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

17.M/s.Velavan Hotels (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

18.PAN Resorts Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

19.Kakumanu Charitable Trust,
Represented by its Trustee Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

...Petitioners

Versus

1.State of Tamil Nadu,
Represented by its Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.



W.P.Nos.22746, 22756, 24231 & 24234 of 20__

2.Chennai Metro Rail Limited,
CMRL Depot,
Admin Building,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.

3.The Special District Revenue Officer,
Chennai Metro Rail Limited,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records in the proceeding dated 15.06.2022, Reference Number:C3/011/2021 passed by the third respondent in respect of the property at Survey Number:13/253 part, Urur Village, Padmanaba Nagar, Adyar, Chennai – 600 020 and quash the same.

For Petitioners	:	Mr.Om Prakash
For Respondents – 1 & 3	:	Mr.S.Silambanan, Additional Advocate General Assisted by Mr.Yogesh Kannadasan
For Respondent – 2	:	Mr.P.Shanmuga Sundaram, Advocate General Assisted by Mr.Jayesh B.Dolia



W.P.No.24234 of 2022:

WEB COM

- 1.M/s.Ajay Developers Private Limited
Represented by its Director Mr.Sarath Kakamanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 2.M/s.Apple Advertising & Marketing Private Limited
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 3.M/s.Arun Developers Private Limited
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 4.M/s.Beena Hotels & Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 5.M/s.Geetha Subbiah Engineers & Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 6.M/s.Hotel Snow White (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.



WEB COPY

7.M/s.Hotel Temple View (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

8.M/s.K.S.Hotels & Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

9.M/s.Kakumanu Developers (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

10.M/s.Pioneer Technical Services (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

11.M/s.Pioneer Textile Machinery (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

12.M/s.Sarath Hotels (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.



WEB COPY

- 13.M/s.Sri Murugan Hotels (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 14.M/s.Sri Subbiah Engineers & Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 15.M/s.Sudarshan Hotels (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 16.M/s.Tirumal Builders (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 17.M/s.Velavan Hotels (P) Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.
- 18.PAN Resorts Ltd.,
Represented by its Director Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.



WEB COPY

19.Kakumanu Charitable Trust,
Represented by its Trustee Mr.Sarath Kakumanu
“Chettinad Chambers”, 1st Floor,
No.39, Dr.Radhakrishnan Salai,
5th Street, Mylapore, Chennai – 600 004.

...Petitioners

Versus

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 Limited,
CMRL Depot,
Admin Building,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.

3.The Special District Revenue Officer,
Chennai Metro Rail Limited,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to rework on the entrance location to the subway station by shifting from the North Eastern corner to the North Western corner of the property and to properly plan the area of land to be acquired for staircase and lifts and reduce the area to be acquired from the petitioner's property at Survey Number:13/253 part, Urur Village, Padmanaba Nagar, Adyar, Chennai – 600 020.

12/24



WEB COPY



W.P.Nos.22746, 22756, 24231 & 24234 of 20__

For Petitioners	:	Mr.Om Prakash
For Respondents – 1 & 3	:	Mr.S.Silambanan, Additional Advocate General Assisted by Mr.Yogesh Kannadasan
For Respondent – 2	:	Mr.P.Shanmuga Sundaram, Advocate General Assisted by Mr.Jayesh B.Dolia

COMMON ORDER

The petitioner(s) have filed these writ petitions challenging the Tamil Nadu Government Gazette Notification No.35 dated 01.09.2021 issued under Sub-Section (1) of Section 3 of Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (hereinafter referred to as 'Act 1997'), acquiring their properties for the purpose of forming of “Adyar Junction Metro Station No.26” as per G.O.Ms.No.130, Planning, Development and Special Initiatives Department (S.I) dated 31.05.2021 as well as the Award dated 15.06.2022 passed in this regard.

2. Since the relief sought in these writ petitions are intertwined, these petitions are taken together and disposed of by this common order.



WEB COPY



3. The petitioners herein are claiming the rights in respect of their properties measuring to an extent of 403 Sq.mtrs comprised in S.Nos.13/253 part, 13/302 & 13/311 situated at Urur Village, Chennai were acquired for the purpose of establishment of Adyar Junction Metro Station No.26. The grievance of the petitioners is that the complete entrance of their property is blocked by the proposed station drawings of Chennai Metro Rail Limited (CMRL). Since the said Metro Station is proposed on the opposite side of the petitioners' property, the ingress and egress of petitioners into their property is affected. Hence, the aggrieved petitioners have filed the present writ petitions before this Court.

4. The learned counsel for the petitioners in W.P.Nos.24231 & 24234 of 2022 submitted that the eighteenth petitioner had already filed civil suits in C.S.No.632 of 1997, for specific performance with regard to possession relating to T.S.Nos.13/311, 13/312 & 13/341, however, the same was dismissed. The judgment in C.S.No.632 of 1997 was in favour of the petitioner in W.P.Nos.22746 & 22756 of 2022. Therefore, the eighteenth petitioner in W.P.Nos.24231 & 24234 of 2022 preferred an appeal in



O.S.A.No.277 of 2013 before this Court and the same is pending adjudication before the Division Bench of this Court. Further, a civil suit filed in C.S.No.158 of 2006 with regard to T.S.No.13/302 between the petitioner in W.P.Nos.22746 & 22756 of 2022, nine legal heirs of the deceased Travancore Maharaja and petitioners in W.P.Nos.24231 & 24234 of 2022 is also pending consideration before this Court. He further submitted that though the Award in Reference No.C3/011/2021 dated 15.06.2022 was passed in respect of acquired property in S.No.13/253 part and the Land Acquisition Officer referred the matter to the competent Civil Court for apportionment of compensation, the same is pending consideration before the Civil Court.

4.1. The learned counsel for the petitioners in W.P.Nos.22746 & 22756 of 2022 as well as 24231 & 24234 of 2022 further submitted that during the pendency of these writ petitions, there was a negotiation between the petitioners and CMRL, during which, the petitioners suggested the Deputy General Manager (DGM), Architecture to shift the location of the staircase and the lifts, as it is blocking the complete entrance of their property. Finally, the DGM agreed to rework the entrance and shift to the



North West corner of the petitioners' property. Further, the DGM asked the petitioners to send a proposal for them to send it to some Italian Consultants who were doing the design of the Metro Station. So, the petitioners sent a drawing to CMRL on 16.07.2019 through e-mail, however, there was no response from the DGM, Architectural Department for the said e-mail.

4.2. The learned counsel for the petitioners in W.P.Nos.24231 & 24234 of 2022 submitted that though the CMRL has initially acquired 403 sq.mtrs of the petitioners' property in S.No.13/253 part, subsequently the CMRL has acquired larger extent of the petitioners' property which was also not stated in the Award. So, the petitioners vehemently opposed the acquisition of their property by the CMRL and submitted their detailed objections with regard to the plan drawn by the CMRL Officials, for establishment of Metro Station at Adyar Junction, but, overruling their objections properly, the third respondent in W.P.Nos.24231 & 24234 of 2022 has mechanically passed the Award, which is unsustainable.

4.3. The learned counsel for the petitioners in W.P.Nos.22746 & 22756 of 2022 as well as 24231 & 24234 of 2022 jointly prayed this Court



to issue appropriate direction to the respondents to deposit the entire compensation for the extent acquired by the CMRL in petitioners' property.

He further prayed that liberty may be granted to the petitioners to make an appropriate application for enhancement of compensation as per terms of Section 8 of the Act and also, appropriate direction may be issued to the Land Acquisition Officer to refer the matter to the competent Civil Court, for enhancement of compensation.

5. The learned Advocate General appearing for 4th respondent in W.P.No.22746 of 2022, 3rd respondent in W.P.No.22756 of 2022 and 2nd respondent in W.P.Nos.24231 & 24234 of 2022 submitted that pursuant to the order of this Court, the experts of CMRL reworked the plan and filed the same along with Memo dated 14.11.2022 before this Court. Therefore, the said Memo may be recorded.

6. Admittedly, the case of the petitioners is that a portion of their property situated in S.No.13/253 & 13/302 at Urur Village, Chennai were acquired for the purpose of establishment of Metro Station at Adyar Junction by the CMRL. The main grievance of the petitioners is that their



ingress and egress into their property is completely blocked by the proposed station drawings of CMRL. Hence, the aggrieved petitioners are before this Court.

7. Though the petitioners made their objections for acquisition of their aforesaid property, without considering the same, the Land Acquisition Officer has passed the Award mechanically. Further, overruling the objections of petitioners, the Land Acquisition Officer referred the matter before the competent Civil Court, for apportionment of compensation.

8. It is to be noted that the plan/drawing prepared by the CMRL Officials for establishment of Metro Station at Adyar Junction is a expert domain. Therefore, the same does not warrant interference by this Court.

9. The plea raised by the petitioners herein is no longer *res integra*, which has been decided by the Hon'ble Supreme Court in the case of ***Union of India vs. Dr.Kushala Shetty & Ors. reported in 2011 12 SCC 69***, wherein, it held as follows:



WEB COPY



W.P.Nos.22746, 22756, 24231 & 24234 of 20__

“24. Here, it will be apposite to mention that NHAI is a professionally managed statutory body having expertise in the field of development and maintenance of National Highways. The projects involving construction of new highways and widening and development of the existing highways, which are vital for development of infrastructure in the country, are entrusted to experts in the field of highways. It comprises of persons having vast knowledge and expertise in the field of highway development and maintenance. NHAI prepares and implements projects relating to development and maintenance of National Highways after thorough study by experts in different fields. Detailed project reports are prepared keeping in view the relative factors including intensity of heavy vehicular traffic and larger public interest. The Courts are not at all equipped to decide upon the viability and feasibility of the particular project and whether the particular alignment would subserve the larger public interest. In such matters, the scope of judicial review is very limited. The Court can nullify the acquisition of land and, in rarest of rare cases, the particular project, if it is found to be ex-facie contrary to the mandate of law or tainted due to mala fides. In the case in hand, neither any violation of mandate of the 1956 Act has been established nor the charge of malice in fact has been proved. Therefore, the order under challenge cannot be sustained.”

10. In view of the dictum laid down by the Hon'ble Apex Court in the above decision, this Court is not inclined to accept the contentions raised by the learned counsel for the petitioners herein. Further, it is to be noted that there was a compromise arrived at between the petitioners herein and



CMRL regarding the ingress and egress of the petitioners into their property. The Managing Director, CMRL (4th respondent in W.P.No.22746 of 2022, 3rd respondent in W.P.No.22756 of 2022 and 2nd respondent in W.P.Nos.24231 & 24234 of 2022) has also filed a Memo dated 14.11.2022 to that effect, before this Court, wherein, the respondents/CMRL has given the following undertaking:

“7. It is submitted that the Chennai Metro Rail Limited is acquiring land in Town Survey Number 13/253, leaving the right side portion for passage to the remaining unacquired portion of the land in Town Survey No.13/253. It is further submitted that none is affected by the acquisition of the land parcel in Town Survey No.13/253 for the project of the formation of Adyar Junction Metro Station in phase-II of Chennai Metro Rail Project and no piece of land is left without access by virtue of the acquisition of the land parcel for the above said project.

8. It is humbly submitted that the request of both the petitioners for Realignment of Adayar Metro Station was considered, however, the technical team are not able to come up with any possible solution as requested by the petitioners. Therefore, CMRL have presently agreed to retain the land acquired under S.No.13/253 measuring totally an extent of 403 Sq.mts (Permanent) for which compensation has been duly deposited before the Registrar City Civil Court, Chennai.

9. It is submitted that CMRL has now provided access as per the plan attached herein, this is the best that could be done under the circumstances and the same will also provide ample 10 m common passage (33ft wide) which can be used by both the petitioners without claiming any individual right.”



WEB COPY



11. In view of the stand of the respondents/CMRL, this Court cannot grant the relief as sought by the petitioners. However, considering the request made by the learned counsel for the petitioners, this Court issues the following directions:

(i) The petitioners are directed to file appropriate application before the Land Acquisition Officer, for enhancement of compensation, within a period of two weeks from the date of receipt of a copy of this order.

(ii) On receipt of such application, the Land Acquisition Officer shall refer the matter to the City Civil Court, Chennai where the civil dispute between the petitioners is pending.

(iii) The petitioners are directed to agitate the issue before the City Civil Court, Chennai.

(iv) While recording the Memo dated 14.11.2022, CMRL is directed to provide ingress and egress as per the plan placed before this Court to all the persons affected by the land acquisition, including the petitioners, by providing ample 10 mtr (33 Sq.ft wide) common passage as undertaken by them in paragraph No.9 of the Memo dated 14.11.2022.



WEB COPY



W.P.Nos.22746, 22756, 24231 & 24234 of 20__

12. With the above directions, these writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

23.11.2022

mrr

Index : Yes/No

Speaking Order (or) Non-Speaking Order



Copy to
WEB COPY

- 1.The Additional Chief Secretary to Government,
Planning, Development
and Special Initiatives Department,
Secretariat,
Chennai – 600 009.
- 2.The District Revenue Officer (LA),
Chennai Metro Rail Limited,
Koyambedu,
Chennai – 600 107.
- 3.The Special District Revenue Officer (LA),
Chennai Metro Rail Limited,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.
- 4.The Managing Director,
Chennai Metro Rail Limited,
having office at Admin Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.
- 5.The Secretary,
Housing and Urban Development Department,
Secretariat, Fort St.George,
Chennai – 600 009.



WEB COPY



W.P.Nos.22746, 22756, 24231 & 24234 of 20__

M.DHANDAPANI, J.

mrr

**W.P.Nos.22746, 22756,
24231 & 24234 of 2022**

23.11.2022