



WEB COPY



W.P. No. 28491 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P. No. 28491 of 2022

and

WMP.No.27802 of 2022

P.R. Harikrishnan

... Petitioner

Versus

1. The District Collector
Chennai District
Chennai - 600 001.
2. Chennai Metro Rail Limited
Represented by its Managing Director
Administrative Building
CMRL Depot, Poonamallee High Road
Koyambedu, Chennai - 600 107.
3. The District Revenue Officer
Having Office at Administrative 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 Mandamus, to forbear the respondents from acquiring the property of the petitioner comprised in S.No.178/1, T.S.No.24, Block No.11, Saligramam Village measuring an extent of 444 sqft. bearing Door



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No.232, (Old No.34), NSK Road, Arcot Road, Vadapalani, Chennai - 600 026
without following due process of law and without payment of compensation.

For Petitioner : Mr.M.V. Seshachari
For Respondents : Mr.U.Bharanidharan
Additional Government Pleader

ORDER

This writ petition has been filed seeking for issuance of writ of mandamus, to forbear the respondents from acquiring the property of the petitioner comprised in S.No.178/1, T.S.No.24, Block No.11, Saligramam Village, measuring an extent of 444 sq.ft. bearing Door No.232, (Old No.34), NSK Road, Arcot Road, Vadapalani, Chennai - 600 026, without following the due process of law and payment of compensation.

2. The case of the petitioner is that the aforesaid property was inherited by P.T.Lakshmanan Chetty, the brother of the petitioner's father. During his life time, he had executed a registered WILL, dated 28.01.1990 in Doc.No.5 of 1990 on the file of Sub Registrar Office, Virugambakkam, in favour of the petitioner. After his demise on 13.02.1990, the said WILL had come into



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force. Subsequently, the petitioner had applied for Letter of Administration in O.P.No.459 of 1990 before this Court and the same was granted in favour of the petitioner on 05.02.1991. In the meanwhile, the second respondent (CMRL) is now attempting to acquire the aforesaid property for the purpose of Metro Rail Phase-II Project without any prior notice/compensation given to the petitioner. In this regard, the petitioner made a detailed representation to the respondents dated 24.06.2022, but the respondents have not taken any action on the representation of the petitioner. Therefore, the petitioner has come forward with the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner will be satisfied if a direction is issued to the respondents to consider the petitioner's representation dated 24.06.2022 and dispose of the same within a stipulated time that may be fixed by this Court.

4. Having regard to the limited scope of the prayer that is now sought for in this writ petition before this Court and taking into account the submissions made on either side, without expressing any opinion on the merits of the petitioner's representation, the Writ Petition is disposed of, with a direction to the respondents 2 & 3 to consider the petitioner's representation



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dated 24.06.2022 and pass appropriate orders, on merits and in accordance with law, after affording an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

28.10.2022

Index : Yes / No
Speaking order : Yes / No
msm

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