



WEB COPY



W.P.No.29931 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.11.2022

CORAM :
THE HONOURABLE MR. JUSTICE M.DHANDAPANI

Writ Petition No.29931 of 2022
and W.M.P.No.29327 of 2022

Rekha Shamundeeshwari

... Petitioner

Vs.

1.District Revenue Officer (Land Acquisition),
Chennai Metro Rail Ltd.,
Koyambedu,
Chennai – 107.

2.The Managing Director,
Chennai Metro Rail Ltd.,
Koyambedu,
Chennai – 107.

3.The Estate Officer,
Tamil Nadu Slum Clearance Board,
Sivalingapuram, Kalaingar Nagar,
Chennai – 78.

4.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai, Chennai – 5.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India for
issuance of a Writ of Mandamus directing the first respondent to refer the



W.P.No.29931 of 2022

matter to the civil court for disbursement of compensation to the petitioner in respect of Door No.90/59, Plot No.49, Arcot Street, Saligramam, Ponniyaman Koil, Chennai – 93 to an extent of 661 sq.ft. comprised in T.S.No.12.

For Petitioner : Mr.V.Ragavachari

For Respondent 1 : Mr.B.Vijay,
Additional Government Pleader

For Respondent 2 : Mr.Jayesh Dolia
for M/s.Iyer and Dolia

For Respondents 3 & 4 : Mr.G.Venkatesan,
Standing Counsel

ORDER

The petitioner has filed this writ petition for issuance of Writ of Mandamus directing the first respondent to refer the matter to the Civil Court for disbursement of compensation to the petitioner in respect of Door No.90/59, Plot No.49, Arcot Street, Saligramam, Ponniyaman Koil, Chennai – 93 to an extent of 661 sq.ft. comprised in T.S.No.12.

2. At the consent of both the parties, this writ petition is taken up for final disposal at the stage of admission itself.



W.P.No.29931 of 2022

WEB COPY

3. The case of the petitioner is that the petitioner is in occupation and enjoyment of the land mentioned in Door No.90/59, Plot No.49, Arcot Street, Saligramam, Ponniyaman Koil, Chennai -93, comprised in S.No.12. Thereafter the said land is purported to be acquired by the second respondent for the purpose of CMRL Phase 2 Poonamalle bypass to light house project, however, no notice was served to the petitioner, for which the petitioner made several representation to the authorities concerned. This being the case, the respondents offered Rs.3,21,158/- towards the structural value in the category of Asset Lost by Non-title Holders. The respondents have not issued notice or referred the matter before the Competent Civil Court. Therefore, the petitioner approached this Court by way of filing writ petition in W.P.No.22637 of 2022 seeking for compensation and this Court by its order dated 30.08.2022, disposed of the writ petition with a liberty to the petitioner to file RTI application and proceed the same in the manner known to law. Pursuant to which, the petitioner made a representation under RTI Act and in turn they replied that the said land is classified as “Government poramboke land” and copy of the same was also issued to the petitioner under Section 3(2) of the Tamil Nadu Acquisition of land for Industrial Purposes Act, 1997. Thereby,



W.P.No.29931 of 2022

the petitioner filed this writ petition.

WEB COPY

4. Learned counsel for the petitioner would submit that the respondents claimed that the said land is classified as Government Poramboke, however, no such classification is available. He further submitted that this Court may issue a direction to the first respondent to consider the petitioner's representation dated 02.08.2022 and issue appropriate orders on merits and in accordance with law, within a time frame to be fixed by this Court.

5. Learned Additional Government Pleader appearing for the respondents would submit that the said land is classified as Government poramboke and till date, the petitioner's possession and title was not recognized by the respondents. Moreover, in the absence of title, claim made by the petitioner is not sustainable one, however, the petitioner's representation dated 02.08.2022 will be considered and appropriate orders will be passed in the manner known to law.

6. Heard the learned counsel on either side and perused the materials



W.P.No.29931 of 2022

available on record.

WEB COPY

7. Considering the facts and circumstances of the case and the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 02.08.2022 and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the aforesaid direction, this Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

15.11.2022

vm

Index : Yes/No

Speaking Order : Yes/No



WEB COPY



W.P.No.29931 of 2022

M.DHANDAPANI,J.

vm

To:

- 1.District Revenue Officer (Land Acquisition),
Chennai Metro Rail Ltd.,
Koyambedu,
Chennai – 107.
- 2.The Managing Director,
Chennai Metro Rail Ltd.,
Koyambedu,
Chennai – 107.
- 3.The Estate Officer,
Tamil Nadu Slum Clearance Board,
Sivalingapuram, Kalaignar Nagar,
Chennai – 78.
- 4.The Managing Director,
Tamil Nadu Slum Clearance Board,
No.5, Kamaraj Salai, Chennai – 5.

W.P.No.29931 of 2022



WEB COPY



W.P.No.29931 of 2022

15.11.2022