



W.P.No.117 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.117 of 2020
and W.M.P.Nos.143 & 147 of 2020

VST Motors Limited
having its registered office at
Old No.144, New No.199
Anna Salai, Chennai 600 002

.... Petitioner

-Vs-

M/s.Chennai Metro Rail Limited
Having its Registered Office at
Poonamallee High Road
Koyambedu, Chennai 600 107.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records culminating in the notice of demand dated 13.12.2019 vide Ref.R.C.No. Est/ D.N./ Land-Phase-I/ 22/2019 issued by the Respondent herein through its Estate Officer and Joint General Manger quash the same and forbearing the Respondent its men agents and servants from enforcing the demand for payment of lease Rs. 96 73 435/- (Rupees Ninety Six Lakhs Seventy Three Thousand Four Hundred and Thirty Five Only) or any other amount towards lease charges for the alleged usage of land of an extent of 504 Sq.ft out of 834 Sq.ft in Block No.11, Survey No.323/5, Triplicane Village, Mylapore Triplicane Taluk, Chennai District including by way of closing / sealing or by interfering with



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the petitioner's lawful ingress and egress over the said land to and from the said property situate in Old No.182, New No.237, Anna Salai, Chennai 600 006.

For Petitioner : Ms.R.Sahana
For Respondent : Mr.Jayesh B Dolia,
Standing Counsel

ORDER

The prayer sought for herein is for a Writ of Certiorarified Mandamus calling for the records culminating in the notice of demand dated 13.12.2019 vide Ref.R.C.No. Est/ D.N./ Land-Phase-I/ 22/2019 issued by the Respondent herein through its Estate Officer and Joint General Manger quash the same and forbearing the Respondent its men agents and servants from enforcing the demand for payment of lease Rs. 96 73 435/- (Rupees Ninety Six Lakhs Seventy Three Thousand Four Hundred and Thirty Five Only) or any other amount towards lease charges for the alleged usage of land of an extent of 504 Sq.ft out of 834 Sq.ft in Block No.11, Survey No.323/5, Triplicane Village, Mylapore Triplicane Taluk, Chennai District including by way of closing / sealing or by interfering with the petitioner's lawful ingress and egress over the said land to and from the said property situate in Old No.182, New No.237, Anna Salai, Chennai 600 006.

2. Heard the learned counsel for the petitioner and the learned Standing



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Counsel for the respondent.

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3. Learned Standing Counsel for the respondent, on instructions would submit that, already permission has been granted by the respondent to put up a compound wall in the property of the petitioner. Insofar as the demand made for the usage of the land which has been considered originally as leased land is concerned, the respondent has taken a policy decision not to make any demand for the said purpose as the said land was used by the petitioner as easementary right for the ingress and egress to their own property.

4. The said concession was given by the respondent only on condition that the said land belongs to the petitioner. The petitioner would not put up any temporary or permanent construction and it should be kept as vacant as it is. Learned Standing Counsel would contend that, to that effect another communication would be issued by the respondent to the petitioner in order to give the issue a quietus.

5. Recording the said submission, no persuasive action is required and no further orders are required to be passed in this writ petition. Accordingly, the writ petition is disposed of with direction to the respondent to issue a formal letter or communication to the petitioner withdrawing the impugned demand



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letter with a condition that the petitioner would not put up any temporary or permanent construction in the land in question.

6. With the above observation, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

05.01.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

To

M/s.Chennai Metro Rail Limited
Having its Registered Office at
Poonamallee High Road
Koyambedu, Chennai 600 107.



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R. SURESH KUMAR, J.

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