



WEB COPY



W.P.No.307 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.307 of 2020 and
W.M.P.No.351 of 2020

Malathi Selvam

... Petitioner

Vs

1.Special Tahsildar (Land Acq.)
Chennai Metro Rail Project,
Harini Towers,
No.7, Conron Smith Road,
Gopalapuram, Chennai – 600 086.

2.The Estate Officer and
Joint General Manager,
Chennai Metro Rail Limited,
CMRL Depot, Admn. Building,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.

[R2 impleaded as per order dated 10.1.2020
made in WMP.No.666/2020 in WP.No.307/2020]

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus forbearing the respondent from putting up construction in the nature of compound wall whereby blocking the access of the petitioner to her property situated at Old Door No.44, New Door No.77/2, Mount Road, Guindy, Chennai – 600 032, and consequently direct the respondent to ensure the construction of compound wall within the area acquired under acquisition vide proceeding No.35/2011 dated 30.12.2011.



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For Petitioner : Mr.M.Ganesan

For Respondents : Mrs.Akila Rajendran
Government Advocate for R1

: Mr.Jayesh B.Dolia for R2

ORDER

The prayer sought for herein is for a Writ of Mandamus forbearing the respondent from putting up construction in the nature of compound wall whereby blocking the access of the petitioner to her property situated at Old Door No.44, New Door No.77/2, Mount Road, Guindy, Chennai – 600 032, and consequently direct the respondent to ensure the construction of compound wall within the area acquired under acquisition vide proceeding No.35/2011 dated 30.12.2011.

2. Since the adjacent land to the petitioner's land belongs to the respondent CMRL and that land was used as ingress and egress of the petitioner's property and since the same has been prevented, according to the petitioner, by the respondent CMRL, in order to restrain the same, the present writ petition has been filed.

3. Though initially only the Special Tahsildar (Land Acquisition),



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Chennai Metro Rail Project alone was impleaded as party, subsequently by order of this Court, the Estate Officer and Joint General Manager, Chennai Metro Rail Limited has been made as the 2nd respondent.

4. When this writ petition is taken up for final hearing today, Mr.Jayesh B.Dolia, learned counsel for the 2nd respondent has submitted that, insofar as the issue raised by the petitioner to have an ingress and egress of the property of the petitioner through the CMRL property by way of an access, there has been a compromise reached between the parties and pursuant to which the proceedings itself has been issued by the District Revenue Officer and Legal Officer, Chennai Metro Rail Limited, Koyambedu by proceedings dated 19.01.2022.

5. The learned counsel has also produced the copy of the proceedings where *inter alia* the following has been agreed between the parties.

“1.The access shall be used by petitioner only to approach her property and the area shall not be used for any other purpose.

2.No permanent or temporary structure or partition shall be erected in the access area by the petitioner or any others without permission from CMRL.



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3. CMRL shall remain the sole owner of the land provided for accessing her property which starts with 10 feet passage with iron gate.

4. Petitioner will not make any hindrance to the operations and maintenance activities of CMRL in the land provided for access.”

6. Insofar as the aforesaid agreement reached between the parties is concerned, Mr.M.Ganesan, learned counsel appearing for the petitioner would submit that, the petitioner has agreed with the said agreement or the terms of said agreement, however he wants one line to be added in clause 3 of the agreement, accordingly she shall propose the following:

“ I agree for all the contents available in the said letter and however clause 3 of the said letter requires small inclusion (bolded portion to be included).

“... 3. CMRL shall remain the sole owner of the land provided for accessing her property **and the access from thereon is a 10 feet private passage with an iron gate erected thereon will be the absolute property of Mrs.Malathi Selvam....**”

Kindly, include the above content in your correspondence letter under reference No.2 so as to put an end for the ongoing issue once for all.”

7. Therefore, the learned counsel for the petitioner would submit that,



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if the said line is inserted in clause 3 of the agreement, the petitioner would be satisfied.

8. Insofar as the said insertion at clause 3 of the agreement, the learned counsel for respondent CMRL also would submit that, it would be included and a revised communication by way of agreement to that effect would be issued shortly.

9. The said submissions made by the learned counsel for both sides are taken on record. In view of the said agreement reached between the parties, this Court is inclined to dispose of this writ petition with the following orders:

The agreement with that terms by proceedings dated 19.01.2022 issued by the District Revenue Officer and Legal Officer, Chennai Metro Rail Limited, Koyambedu, Chennai is hereby taken on record. Also a direction is issued to the 2nd respondent to issue a revised communication inserting a clause or two lines in the clause 3 of the agreement as indicated above and such a revised communication shall be issued by the 2nd



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respondent to the petitioner within a period of four weeks from
the date of receipt of a copy of this order.

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10. With this direction, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

04.01.2023

Index : Yes/No

Speaking Order : Yes/No

Sgl



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R.SURESH KUMAR, J.

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