



WEB COPY

W.P.No.1959 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1959 of 2023

A.Baskaran

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Thiruvallur – 602 001.
- 2.The Special District Revenue Officer,
Land Acquisition for CMRL,
Chennai Metro Rail Limited,
Chennai Metro Rail Project,
Nandanam, Chennai – 600 035.
- 3.Chennai Metro Rail Limited,
Rep. by its Managing Director,
Ministry of Housing and Urban Affairs,
Government of India,
Registered Office at CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.
- 4.The Secretary to Government,
Highways and Minor Ports Department,
Chennai - 9.



5.The Special Tahsildar,
Highways Projects, TNUDB - 3,
Poonamallee.

... Respondents

[R4 & R5 suo motu impleaded vide order dated
15.02.2023 made in WP.No.1959 of 2023]

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the entire records in relation to the impugned proceedings initiated by the 2nd respondent in Na.Ka.No.30/Ni.A/ Se.Me.E.Ni/ 2020 dated 22.12.2022, quash the same.

For Petitioner	: Mr.K.Sukumaran For Mr.C.Veera Raghavan
For R1, R2, R4 & R5	: Mr.P.Sanjay Gandhi Government Advocate
For R3	: Mrs.Rita Chandrasekar : Mr.V.V.Krishnan Advocate Commissioner

ORDER

The writ on hand has been instituted questioning the impugned proceedings initiated by the Land Acquisition Officer dated 22.12.2022.



WEB COPY

W.P.No.1959 of



2. The said impugned proceeding has issued based on the directions issued by this Court on 30.06.2022 in W.P.No.16557 of 2022 directing the authorities to consider the objections raised by the petitioner. The Land Acquisition Officer considered the objections submitted by the petitioner and the petitioner also appeared before the authority concerned and placed his objections.

3. The Special District Revenue Officer (Land Acquisition) even in the impugned order has stated that the approach road available will not affect the pathway to be used by the petitioner. In other words it is stated that there is pathway existing for the usage of the people in that locality. Therefore, the objections raised was found to be incorrect and accordingly, the petition filed by the petitioner was rejected.

4. The learned counsel for the petitioner mainly raised an objection by stating that there is no pathway for the petitioner to reach the left out portion of the land belonging to the petitioner, as it became land locked.

5. The learned counsel for the 3rd respondent / Chennai Metro Rail Limited in respect of the contention made by the petitioner that there is no



pathway in existence, made a submission that the property is not land locked as the petitioner had created an artificial barry guard, so as to intimate that there is no pathway. If the artificial sheet (barry guard) is removed, then he will have a pathway for his usage.

6. The learned Government Advocate appearing on behalf of the respondents 1, 2, 4 and 5, on instructions made a submission that the Highways also acquired portion of the land for the purpose of creating pathway to the people of that locality and the said work also has been completed. Thus, there is a pathway in existence and the petitioner is at liberty to use the pathway to reach his property. It is brought to the notice of this Court that to create pathway the lands are already provided by the Highways Authorities.

7. The learned counsel for the 3rd respondent further made a submission that an award has already been passed by the Land Acquisition Officer on 15.12.2022 and it will be communicated and the amount also has been deposited before the Competent Court. That being the factum, the petitioner is at liberty to draw the compensation amount already deposited by following the procedures as contemplated.



W.P.No.1959 of

8. With these observations, this Writ Petition stands disposed of. No

costs.

24.07.2023

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order



To

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S.M.SUBRAMANIAM, J.

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