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W.P.No.4209 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2023

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

Writ Petition No.4209 of 2023
and W.M.P.No.4245 of 2023

P.V.Nagarajan

.... Petitioner

-Vs-

1 The District Collector
Chennai District Chennai

2 The Revenue Divisional Officer
cum Land Acquisition officer South
Chennai Revenue Division Guindy
Chennai 600 032

3 The Managing Director
Chennai Metro Rail Limited Admin Building
CMRL Depot Poonamallee High Road Koyambedu
Chennai 600 107

4 The Special District Revenue Officer (Land Acquisition)
Chennai Metro Rail Limited CMRL Depot Admin Building
Koyambedu Chennai 600 107.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus forbearing the respondents herein from proceed with the acquisition of land for Chennai Metro Phase II corridor 5 without considering and answering petitioners objections dated 19.07.2021 by affording a personal hearing and for any other relief or reliefs that may be appropriate in the present circumstances of the case.



W.P.No.4209 of 2023

WEB COPY

For Petitioner : Mr.Naveen Kumar Murthy
for Mr.V.P.K.Gowtham

For Respondents : Mr.P.Sathish
Additional Government Pleader-for RR 1,2&4
Mr.Jayesh B Dolia
Senior Counsel
for M/s.Rita Chandrasekar and
Aditya Chandramouli – for R3

ORDER

The prayer sought for herein is for a Writ of Mandamus forbearing the respondents herein from proceed with the acquisition of land for chennai Metro Phase II corridor 5 without considering and answering petitioners objections dated 19.07.2021 by affording a personal hearing and for any other relief or reliefs that may be appropriate in the present circumstances of the case.

2. Insofar as the proposed acquisition of land belongs to the petitioner for the purpose of the 3rd respondent, it is the claim of the petitioner that the petitioner purchased the property several years back and therefore the petitioner is the owner of the property, however a notice seems to have been issued in August 2022 only to the erstwhile owner, who is no way connected with the property. Thereby, the petitioner's right to object to the proposed acquisition has got defeated and therefore the petitioner has moved the present writ petition.



W.P.No.4209 of 2023

3. Heard Mr.Naveen Kumar Murthy learned counsel for the petitioner, Mr.Jayesh B Dolia learned Senior Counsel appearing for the CMRL / 3rd respondent and Mr.P.Sathish learned Additional Government Pleader appearing for respondents 1, 2 and 4.

4. Learned Senior Counsel appearing for the CMRL on instructions would submit that, whenever such acquisition is made, the revenue records would be verified and accordingly notices would be issued in the name of the person in whose name the patta stands. However, if it is the case of the petitioner where the petitioner has become owner of the property long back and based on the sale deed he claims to be the owner of the property, certainly he is entitled to get notice and the CMRL would issue notice to the petitioner and after hearing the petitioner, a decision would be taken by considering the objections to be submitted along with supporting documents.

5. Having heard the learned counsel for the parties, by taking note of the aforesaid factual matrix and considering the fact that in August 2022 even though show cause notice was issued, it was not issued to the petitioner who is the current owner of the property in question, this Court feels that such an opportunity necessarily need to be given to the petitioner to raise his objections, if any, with regard to the proposed acquisition of the land in question.



W.P.No.4209 of 2023

6. In that view of the matter, this Court is inclined to dispose of this writ petition with the following order.

- That there shall be a direction to the respondents also to issue proper show cause notice to the petitioner who is the owner of the property in question as per the document which is in his possession.
- In this regard, the petitioner shall be given two weeks time from the date of the show cause notice, to make objections along with supporting documents, if any, and after giving an opportunity of hearing to the petitioner, the objections shall be considered objectively on merits and in accordance with law by the 3rd respondent.
- Accordingly, the 3rd respondent shall take ultimate decision as to whether they are going to proceed with the acquisition or drop the same and such decision shall be communicated to the petitioner within a period of four weeks thereafter.



W.P.No.4209 of 2023

WEB COPY

- Till such time, no further persuasive action shall be made by the 3rd respondent with respect to the land in question.

7. With the above directions, this writ petition is disposed of. No costs.
Consequently, connected miscellaneous petition is closed.

14.02.2023

Index : Yes/No

Neutral Citation : Yes/No

Speaking Order / Non-speaking order

KST

Note : Issue order copy on 21.02.2023

To

- 1 The District Collector
Chennai District Chennai.
- 2 The Revenue Divisional Officer
cum Land Acquisition officer South
Chennai Revenue Division Guindy
Chennai 600 032.
- 3 The Managing Director
Chennai Metro Rail Limited Admin Building
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W.P.No.4209 of 2023

R. SURESH KUMAR, J.

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W.P.No. 4209 of 2023

14.02.2023