



WEB COPY



W.P.No.3002 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.3002 of 2023

1.N.Sathyanarayana

2.N.Sulekha

...Petitioners

-Vs-

1.The District Revenue Officer (LA),
Chennai Metro Rail Project,
Koyambedu, Chennai - 600 107.

2.The Managing Director,
M/s.Chennai Metropolitan Rail Limited,
CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai - 600 107.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the respondents to pay adequate compensation for the Revenue loss (rental income for the building G+2 floors) and damages caused/going to be caused to the existing building situated in S.No.113/1, 113/2 and 113/3 Plot No.249, Kaliamman Kovil Street, Natesan Nagar, 3rd Main Road, Virugambakkam, Chennai - 92



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because of the Chennai Metro Rail Natesan Nagar Metro Station and for other orders by considering our representation dated 08.08.2022.

For Petitioners : Mrs.G.Selvi George
For R1 : Mr.T.Venkatesh Kumar,
Special Government Pleader
For R2 : Mrs.Rita Chandrasekar

ORDER

The relief sought for in the present Writ Petition is to direct the respondents to pay compensation for the Revenue loss (rental income for the building G+2 floors) and damages caused/going to be caused to the existing building situated in S.No.113/1, 113/2 and 113/3 Plot No.249, Kalamman Kovil Street, Natesan Nagar, 3rd Main Road, Virugambakkam, Chennai - 92 because of the Chennai Metro Rail Natesan Nagar Metro Station and for other orders by considering the petitioners' representation dated 08.08.2022.

2. The learned counsel for the petitioners mainly contended that the tenants have vacated the building on account of the Metro Rail Project



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works. Therefore, the petitioners are sustaining rental loss and the said loss is to be compensated by the Chennai Metro Rail Limited.

3. The learned counsel for the second respondent/CMRL made a submission that by way of private negotiation, the compensation for the land acquired has already been settled in favour of the petitioners to the tune of Rs.3 crores. She further submitted that with regard to the alleged rental loss, the CMRL cannot make the compensation at this point of time and if at all any loss has occurred to the petitioners, actions will be taken under the provisions of the relevant statute in force. It is contended that the Writ Petition is pre-mature. The Rail project is yet to commence in front of the petitioners' project and only after reaching some progress, the CMRL would be in a position to consider the loss, if any, that may be caused to the petitioners by ascertaining the factual aspects.

4. The learned counsel for the petitioners made a submission that a representation in this regard has already been submitted. However, the authorities have to assess the financial loss, if any, occurred to the



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petitioners during the course of implementation of the CMRL project. This being the factum, the petitioners have to wait till such time the Rail project works commence for the purpose of claiming compensation.

5. In view of the facts and circumstances of the case, the petitioners are at liberty to submit a fresh representation setting out the details and the financial loss, if any, caused on account of the implementation of the CMRL project. On receipt of the said representation, the competent authority shall consider it suitably and pass orders in accordance with law.

6. With the above observation, the Writ Petition stands disposed of.

No costs.

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Index:Yes
Speaking order
Neutral Citation:Yes
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S.M.SUBRAMANIAM, J.

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