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W.P.No.10364 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.10364 of 2023

and

W.M.P.No.10330 of 2023

P.R.Vijaybhaarath

... Petitioner

Vs.

- 1.Secretary to Government,
Ministry of Housing and Urban Affairs,
Government of India,
140 C, Nirman Bhawan,
New Delhi – 110 108.
- 2.Secretary to Government,
Railway Electrification,
Ministry of Railways,
Government of India, Rail Bhawan,
Raisina Road, Rajpath Area,
Central Secretariat, New Delhi – 110 001.
- 3.Secretary to Government,
Urban and Housing Department,
Government of Tamil Nadu,
Fort St. George, Secretariat,
Chennai – 600 009.
- 4.Secretary to Government,
Department of Finance,
Government of Tamil Nadu,



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Fort St. George, Secretariat,
Chennai – 600 009.

5. The Commissioner,
Greater Chennai Corporation,
Rippon Building,
Chennai – 600 003.
6. The Managing Director,
Chennai Metro Rail Limited,
Admin Office, No.327, Anna Salai,
Nandanam, Chennai – 600 035.
7. The Project Director/ Board Member of CMRL,
Chennai Metro Rail Limited,
Admin Office, No.327, Anna Salai,
Nandanam, Chennai – 600 035.
8. The Project Planning and Design/
Chief General Manager,
Chennai Metro Rail Limited,
Admin Office, No.327, Anna Salai,
Nandanam, Chennai – 600 035.
9. The Special District Revenue Officer
(Land Acquisition Officer),
Chennai Metro Rail Limited,
Admin Office, No.327, Anna Salai,
Nandanam, Chennai – 600 035.
10. Land Acquisition Officer and
Revenue Divisional Officer,
Central Chennai Revenue Division,
Anna Nagar West Extension,
Chennai – 600 101.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling the entire records pertaining to the Land Acquisition initiated in pursuance to impugned notice dated 27.01.2023 issued by the 9th respondent and quash the same and direct the respondents to implement the original actual plan viz., Corridor 4 phase II Ex-05, Saligramam Warehouse, Alwarthirunagar and pass such other suitable orders.

For Petitioner	: Mr.E.Ganesh
For R1 & R2	: No Appearance
For R3, R4 & R10	: Mr.P.Sanjay Gandhi Government Advocate
For R5	: Mr.E.C.Ramesh
For R6 to R9	: Mrs.Rita Chandrasekar

ORDER

The notice dated 27.01.2023 issued by the Special District Revenue Officer, Land Administration, Chennai Metro Rail Limited is under challenge in the present writ petition.

2. It is not in dispute that the petitioner is the owner of the land measuring to an extent of 5744 Sq.ft or 537.5 Sq.m in Survey No.169/1A2



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part. The petitioner has built a superstructure and he is residing with his family. Presently, the petitioner is utilising the said property for his business purposes. The Chennai Metro Rail Limited (CMRL) project issued a paper publication for acquiring the land to develop Chennai Metro Rail Project (Corridor-V). Initially notification was issued to acquire 339 Sq.m of the land belonging to the petitioner. Subsequently, the authorities found that 399 Sq.m is required for the purpose of complying with the requirements.

3. In view of the additional requirements, the Land Acquisition Officer issued a notice to the writ petitioner and afforded an opportunity to participate in the process of enquiry. Instead of participating in the process of enquiry and raise objection, if any, the petitioner has chosen to file the present writ petition.

4. No writ against such notice is entertainable in a routine manner. There is no procedural illegalities in the matter of initiation of acquisition proceedings by the authority competent. Therefore, the petitioner is expected to participate in the enquiry for the purpose of raising his objections, if any and thereafter, the authorities have to proceed in accordance with the provisions of the Land Acquisition Law.



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5. The petitioner has not raised any acceptable ground except by stating that such additional acquisition is not strictly required for completing the project. Such grounds cannot be considered by the High Court as additional acquisitions are made based on the technical report or expert report as the case may be and thus, this Court cannot consider those grounds raised by the petitioner with reference to the technical aspects of the project. The Chennai Metro Rail Project is a public project for the purpose of developing the Transport facilities in the Chennai City.

6. This being the factum, the petitioner is at liberty to participate with the award enquiry by availing the opportunity provided by the authorities.

7. Court is not an expert body and the opinion of the technical and expert body is to be accepted in all circumstances, unless such exercise made is found to be on the ground of *mala fide* or otherwise. During the implementation of such a major public schemes, it may be required for the authorities to acquire additional lands, which cannot be found fault with nor the land owners can raise a point that such additional acquisition cannot be permitted. During the implementation, the authorities may find certain other



requirements and additional acquisitions are made on account of necessity.

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8. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Index : Yes

Neutral Citation : Yes

Speaking order

To

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