



W.P.Nos.12776, 12778, 12780 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12776, 12778, 12780 of 2023

and

W.M.P.Nos.12573, 12583, 12578, 12579, 12581 & 12577 of 2023

V.S.Thangaraj

...Petitioner in WP. 12776/2023

G.Nagalingam

...Petitioner in WP. 12778/2023

J.Jayalakshmi

...Petitioner in WP. 12780/2023

-Vs-

1. The Managing Director,
Chennai Metro Rail Limited,
Metros Nandanam,
Anna Salai, Chennai.

2. Spl. District Revenue Officer (LA),
Chennai Metro Rail Limited,
Koyambedu, Chennai.

3. The Land Acquisition Officer
and Revenue Divisional officer,
Central Chennai Revenue Division,
Anna Nagar West Extn,
Chennai 600 101.

...Respondents in all the WPs.



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Common Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus, Calling for the records of the Respondent pertaining to notice dated 02.01.2023 issued by the third Respondent and quash the same

(Counsel in all the writ petitions)
For Petitioners : Ms.R.Revathy

For Respondents : Mr.T.Arun Kumar, AGP

COMMON ORDER

The acquisition proceedings initiated by the Chennai Metro Rail Limited is sought to be quashed in the present writ petitions.

2.The petitioners state that they are owners of the property in Virugambakkam Village, Mambalam Taluk, Chennai District. Some of the petitioners are senior citizens. They are deriving rental income from the property and leading their livelihood. Initially a paper publication dated 06.01.2021 was issued to acquire the entire property for industrial purpose namely “Corridor-5-MMCS-52 Viaduct Near Elango Nagar Bus Stop”. It was a stretch between Alwar Thiru Nagar and Koyambedu which purports to connect Arcot Road with Koyambedu.



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3.The petitioners submitted their objections on 08.01.2022 to the 3rd respondent and finally the lands were acquired and compensation was settled. The grievances of the writ petitioners are that again a notification was issued on 02.01.2023 to acquire further portion of the land belonging to the petitioners. In respect of the said notification, objections were called for and the petitioners submitted their respective objections. However, a final decision was not taken by the Metro Rail Limited. The learned counsel for the petitioner states that the first phase of acquisition proceedings were concluded and the petitioners had received a compensation. While so, further notification would affect their livelihood and thus, the acquisition proceedings are to be set aside.

4.Metro Rail project is half way through in that location. High Court cannot assume the role of an expert body. Metro Rail Limited and its panel of experts would be competent to determine the route through which the project is to be implemented. Intervention by the High Court in such projects would cause greater prejudice to the interest of the public. The Metro Rail projects are of greater assistance to the citizens and such projects cannot be stalled unnecessarily by keeping the writ petitions pending or by granting interim orders in such writ petitions.



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5.The petitioners have already submitted their objections and such objections are to be considered objectively by the competent authorities by adopting a balancing approach. The authorities are expected to act in an impartial manner in such circumstances, while taking decisions in acquisition proceedings, since it affects the property right of the individuals.

6.Right to property is a constitutional right which can be interfered with only by authority of law. However, in respect of the present writ petitions, the authorities competent have taken a decision to acquire the land belonging to the petitioners for the purpose of implementing the Chennai Metro Rail Project in a particular route and therefore, this Court cannot interfere at this stage and the petitioners are at liberty to pursue the objections filed by them. The power of judicial review under Article 226 of the Constitution of India is to ensure that the processes through which the decision is taken by the competent authorities in consonance with the statutes and rules in force, but not the decision itself. The processes are set in motion in the present case by issuing notification and the petitioners have already submitted their objections and this being the factum, present writ at this stage would be premature and further the public welfare



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projects cannot be stalled by the High Court unnecessarily, which would cause greater prejudice to the 'Public Interest'.

7. With these observations, the writ petitions stand **dismissed**.

However there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(sha)

25.04.2023

Index : Yes

Speaking Order

Neutral Citation : Yes

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S.M.SUBRAMANIAM. J.,

(sha)

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