



WEB COPY



WA No.888 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

WA No.888 of 2023

1.Chennai Metro Rail Ltd.,
rep. By its Managing Director,
Nandanam, Chennai

2.Estate Officer,
CMRL, Chennai 35

... Appellants

Vs

1.GMMCO Ltd.,
rep. By its General Manager (Legal)
Mr.K.V.Satyan Babu

2.District Revenue Officer (Land Acquisition)
CMRL, Metros,
No.327, Anna Salai,
Nandanam, Chennai 35

... Respondents

Prayer: Writ appeal filed under Clause 15 of the Letters Patent against the order dated 05.04.2023 in WMP No.5165 of 2023 in WP No.5158 of 2023.



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For the Appellants

:: Mr.P.S.Raman
Senior Counsel,
for the first appellant

Mr.Jayesh Dolia
Senior Counsel,
for the second appellant

For the Respondents

:: Mr.Sathish Parasaran,
Senior Counsel,
for Mr.Rahul Bajaj
for the first respondent

JUDGMENT

(Made by the Hon'ble Acting Chief Justice)

Heard Mr.P.S.Raman, learned Senior Counsel for the appellants and Mr.Satish Parasaran learned counsel for the first respondent.

2. Mr.Raman, learned Senior Counsel submitted that the appeal has been filed aggrieved by the observation made by the learned Single Judge in paragraph 9 stating that since the completion of the construction of pillar Nos.428 and 431 would take about six months, any further construction in the shadow area between pillar Nos.428 and 431 shall be kept in abeyance till the next date of hearing.



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3. In support thereof, Mr.Raman learned senior counsel for the first appellant made the following submissions:

(i) Firstly, wherever work for Chennai Metro Rail is going on, road block and traffic congestion would arise. The above observation made by the learned Single Judge would deter the appellants not to do any road work viz., viaducts, pillars, pile caps and foundation, for a period of six months.

(ii) Secondly, during the period of six months, as ordered by learned Single Judge, if work is stopped between the pillar Nos.428 and 431, cost of construction would also go up.

(iii) Thirdly, there will be a huge delay in other areas also.



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4. Mr.Satish Parasaran, learned Senior Counsel appearing for the first respondent submitted that since the completion of construction of pillar Nos.428 and 431 would take six months time, learned Single Judge has rightly directed the parties that the construction in the shadow area shall be kept in abeyance. During this period, the first respondent would be using the administrative building.

5. In reply, Mr.Raman, learned Senior Counsel, submitted that keeping in abeyance the further construction work in the shadow area between the pillar Nos.428 and 431 till the next date of hearing would cause hindrance, instead the work may be allowed to be proceeded with and further no hindrance would be also caused to the office administration of the first respondent.

6. Mr.Raman also further submitted that the direction given by the learned single Judge to deposit the entire compensation amount also will be complied with within a fortnight, so that they can proceed with the construction work in the shadow area.

7. Placing on record the statement made by the learned Senior



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Counsel for the appellants in paragraphs 5 and 6 above and permitting the appellants to proceed with the construction work in the shadow area without causing hindrance to the office administration of the first respondent and as well directing the parties to cooperate with the learned single Judge for early disposal of the writ petition, the writ appeal stands disposed of. There will be no order as to costs. CMP No.8865 of 2023 is closed.

(T.R., ACJ.) (D.B.C., J.)
18.04.2023

Index : Yes/No
Neutral Citation : Yes/No
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To
The District Revenue Officer (Land Acquisition)
CMRL, Metros,
No.327, Anna Salai,
Nandanam, Chennai 35



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T.RAJA, ACJ,
and
D.BHARATHA CHAKRAVARTHY, J.

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