



WEB COPY

W.P.Nos.12795 & 12800 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.Nos.12795 & 12800 of 2023 &
W.M.P.Nos.12602 & 12606 of 2023

1.Saraswathy Ammal
2.S.Murali
3.S.Siva
4.S.Seenu

... Petitioners in W.P.No.12795 of 2023

1.V.Manoharan
2.A.Kamalaharan

... Petitioners in W.P.No.12800 of 2023

Vs.

1.The District Collector,
O/o. District Collector,
Chengalpattu District.

2.The District Revenue Officer,
Chengalpattu,
Kancheepuram District.

3.The District Revenue Officer (LA),
Land Acquisition,
Chennai Metro Rail Limited,
Nandanam, Chennai – 600 035.

4.The Tahsildar,
Tambaram,
Chengalpattu District.



5. The Tahsildar,
Sholinganallur,
Kancheepuram District.

... Respondents in both W.Ps.

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Common Prayer: Writ Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned letter in RC.1539/Chennai Metro Rail/LC5/2022/dated 27.02.2023 issued by the third respondent, quash the same and consequently, direct the third respondent to grant compensation to the petitioner for acquired land measuring an extent of 1,650 sq. ft., comprised in Old S.No.400/B part, New S.No.500/7A and 829 sq. ft., comprised in Old S.No.400B/1p, New S.No.500/8 in Medavakkam Village, Tambaram within a time to the stipulated by this Court.

For Petitioner
in both W.Ps. : Mr.T.N.Rajagopalan
for Mr.G.Arumugaraja

For Respondents 1,2, 4 & 5
in both W.Ps. : Mr.P.Sanjay Gandhi,
Government Advocate

For Respondent 3
in both W.Ps. : Mrs.Rita Chandra Sekar and
Mr.Adithya Chandra Mouli

COMMON ORDER

The orders passed by the Chennai Metro Rail Limited in proceedings dated 27.02.2023 rejecting the claim of the writ petitioners for settling



compensation for the acquired land for Chennai Metro Rail Projects is under challenge in the present writ petition.

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2. The petitioners state that they are the owners of the subject properties acquired for the Chennai Metro Rail projects.

3. It is not in dispute that the subject properties were acquired and the possession has been taken by the Chennai Metro Rail Limited.

4. The grievances of the writ petitioners are that the compensation for the superstructures are agreed to be settled by the Chennai Metro Rail Limited. However, they refused to settle the compensation for the lands.

5. Refusal was made pursuant to the orders passed by the revenue authorities stating that the subject properties were classified as Grama Natham and therefore, the petitioners are not holding a valid title in respect of the acquired lands. The patta issued by the revenue authorities are found to be improper and not authorised. Due to non authorisation of the patta granted in respect of the Grama Natham Lands, the Chennai Metro Rail Limited on clarification made a finding that that petitioners are not entitled for



compensation in respect of the lands acquired.

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6. The learned counsel for the petitioners mainly contended that the petitioners have produced various documents to establish that the patta has been granted properly and they are in occupation of the acquired properties for several years. The petitioners are running a small commercial business and is residing in back side portion of the building in respect of one petition and in another, the building has been utilised for residential purposes alone.

7. May that as it be, High Court cannot adjudicate such disputed facts relating to the title or grant of patta by the revenue authorities.

8. The Chennai Metro Rail Limited verified the sanctity of the patta with the revenue authorities, who in turn informed the Chennai Metro Rail Limited that it was not properly authorised. Thus the Chennai Metro Rail Limited is not in a position to settle the land compensation to the petitioners.

9. Under these circumstances, the petitioners are at liberty to file an application before the Commissioner of Land Administration along with the documents. On receipt of any such documents, the Commissioner of Land



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Administration, Chennai is directed to conduct an enquiry by verifying the revenue records and all relevant records by affording opportunity to all the parties including the Chennai Metro Rail Limited and thereafter, take a decision and pass final orders enabling the Chennai Metro Rail Limited to act accordingly. In the event of an application submitted by the petitioners, the Commissioner of Land Administration shall dispose of the same as expeditiously as possible. However, the Chennai Metro Rail Limited shall proceed with the project without any hindrance.

10. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes

Neutral Citation : Yes

Speaking order



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