



WEB COPY



W.A.No.1717 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.08.2023

CORAM :

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.1717 of 2021

1.Yashoo Madhi Thoshi

2.M/s.Doshi Developers Pvt. Ltd.,
rep. by its Director Mehul H.Doshi,
Doshi Towers, 9th Floor,
No.156, Poonamallee High Road,
Kilpauk, Chennai-600 010 .

.. Appellants

Vs

1.Dharma Thoppu Trust/Arakkattalai,
rep. by its Managing Trustee S.Ranga,
No.265, M.T.H. Road,
Villivakkam, Chennai – 600 049.

2.The District Collector,
District Collector Office,
Chennai – 600 001.



W.A.No.1717 of 2021

WEB COPY

3.The District Revenue Officer,
Land Acquisition, Chennai Metro Rail,
Chennai.

4.The Land Acquisition Officer
and Revenue Divisional Officer,
Central Chennai Revenue Division,
Anna Nagar West Extension,
Chennai-600 101.

5.The Tahsildar,
Land Acquisition,
Chennai Metro Rail,
Chennai.

6.The District Revenue Officer,
Settlement Officer,
Chennai Metro Rail,
Chennai.

7.M.R.Sivakumar

.. Respondents

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 11.02.2021 passed by the learned Single Judge in W.P.No.20392 of 2020.

For the Appellants : Mrs.AL.Gandhimathi
Senior Counsel
for M/s.SA Kanmani

For the Respondents : Mr.K.Dhananjayan
for respondent No.1
: Mrs.R.Anitha
Spl. Government Pleader
for respondent Nos.2 & 4



W.A.No.1717 of 2021

: Mrs.Rita Chandrasekar
for respondent Nos.3,5 & 4

Mr.S.Mukunth
Senior Counsel
for Mr.Karthikeyan Anbazhagan
for respondent No.7

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

We have heard Mrs.AL.Gandhimathi, learned Senior Counsel for the appellants; Mr.K.Dhananjayan, learned counsel for the first respondent; Mrs.R.Anitha, learned Special Government Pleader for respondents 2 and 4; Mrs.Rita Chandrasekar, learned counsel for respondents 3, 5 and 6; and, Mr.S.Mukunth, learned Senior Counsel for Mr.Karthikeyan Anbazhagan, learned counsel for the seventh respondent.

2. Learned Senior Counsel for the appellants/respondent Nos.7 and 8 in the writ petition submits that the present appellants are the owners of the property under a registered sale deed purchased from



W.A.No.1717 of 2021

the erstwhile owner. However, the learned Single Judge in a writ petition filed by the first respondent herein directed the Land Acquisition Officer to issue notices and allowed the parties to respond to the notices under Section 3(2) of the Acquisition of lands for Industrial Purposes Act, 1977. It is submitted that the said recourse ought not to have been adopted, as the present appellants are the owners of the property.

3. The contention of the first respondent Trust is otherwise. The Trust contends that it is their land right from the year 1875.

4. In the writ jurisdiction, the disputed questions of fact and the dispute about the title cannot be entertained. The learned Single Judge has rightly considered the said aspect. Even in case of land acquisition, the procedure contemplated is to be followed. Naturally, the officers will have to follow the procedure by issuing appropriate notices and the say of the appellants will have to be considered by them.



W.A.No.1717 of 2021

WEB COPY

5. In the light of that, the writ appeal is disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.15454 of 2021 and 17037 of 2022 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

09.08.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr



W.A.No.1717 of 2021

To

WEB COPY

- 1.The District Collector,
District Collector Office,
Chennai – 600 001.
- 2.The District Revenue Officer,
Land Acquisition,
Chennai Metro Rail,
Chennai.
- 3.The Land Acquisition Officer
and Revenue Divisional Officer,
Central Chennai Revenue Division,
Anna Nagar West Extension,
Chennai-600 101.
- 4.The Tahsildar,
Land Acquisition,
Chennai Metro Rail,
Chennai.
- 5.The District Revenue Officer,
Settlement Officer,
Chennai Metro Rail,
Chennai.



WEB COPY



W.A.No.1717 of 2021

THE HON'BLE CHIEF JUSTICE
AND
P.D.AUDIKESSAVALU,J.

bbr

W.A.No.1717 of 2021

09.08.2023