



W.P.No.16849 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.16849 of 2023

and

W.M.P.No.16099 of 2023

1.M.Aejaz Hussain
2.Suhail Hussain
3.Mubeen Hussain
4.Jawad Hussain

... Petitioners

Vs.

1.The District Revenue Officer (LA),
Chennai Metro Rail Limited,
Metros,
No.327, Anna Salai,
Nandanam,
Chennai – 600 035.

2.B.K.Nalini Jayanthi

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, declaring that the 1st respondent shall not be entitled to take the possession of the shop premises in R.S.No.1693/1 of



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Mylapore Village, Chennai District, in the name and style of De-Luxe Tailors, at No.181, First Floor, Luz Church Road, Mylapore, Chennai – 600 004, unless and until the petitioners are paid compensation, as interested persons, relating to the acquisition of the said property under the Sale Deed dated 04.05.2022 registered as Document No.1722/2022, on the file of the Sub-Registrar, Mylapore, in terms of the provisions contained either under the Tamil Nadu Acquisition of Land for Industrial Purposes Act No.10 of 1999 or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Central Act No.30 of 2013.

For Petitioner : Mr.W.M.Abdul Majeed

For R1 : Mr.Rita Chandrasekar

For R2 : Mr.B.Arvind Srevatsa

ORDER

The Writ on hand has been instituted to declare that the 1st respondent shall not be entitled to take possession of the shop premises in R.S.No.1693/1 of Mylapore Village, Chennai District, in the name and style of De-Luxe Tailors, at No.181, First Floor, Luz Church Road, Mylapore, Chennai – 600 004, unless and until the petitioners are paid compensation, as interested persons, relating to the acquisition of the said property under the



Sale Deed dated 04.05.2022 registered as Document No.1722/2022, on the file of the Sub-Registrar, Mylapore, in terms of the provisions contained either under the Tamil Nadu Acquisition of Land for Industrial Purposes Act No.10 of 1999 or under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Central Act No.30 of 2013.

2. Admittedly, the 2nd respondent is the owner of the subject land and the building constructed therein. The land belonged to the 2nd respondent was already acquired for the purpose of Chennai Metro Rail project.

3. The Chennai Metro Rail Limited entered into a private negotiation with the 2nd respondent / owner of the subject property and determined the compensation as Rs.98,18,48,951/-. The 2nd respondent / owner of the subject property had agreed for the said compensation and the learned counsel for the 2nd respondent made a submission that the compensation was already received by the 2nd respondent.

4. The learned counsel for the petitioner mainly contended that the



petitioners were the tenants under the 2nd respondent and therefore, they are to be construed as interested persons. Since they are interested persons, their claims are also to be considered by the competent authorities. The petitioners are long-term tenants and therefore, their claims are also to be heard by the Chennai Metro Rail Limited.

5. The learned counsel for the petitioners relied on the definition of the term 'Person Interested' under Section 2(h) of the Tamil Nadu Acquisition of land for the Industrial Purposes Act, 1997, which states that *“the "person interested" in relation to any land includes all persons claiming or entitled to claim, an interest in the amount payable on account of the acquisition of that land under this Act. A person shall be deemed to be interested in land if he is interested in an easement affecting the land.”* In view of the definition, the petitioners are the person interested and thus, their representation is to be considered.

6. The definition of the term 'Person Interested' has been broadly interpreted for the purpose of including the owners and persons claim through owners or the persons, who have some interest over the property.



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However, if the owner of the property is able to establish the title and ownership, thereafter other persons cannot claim that they are the interested persons for the purpose of conducting an enquiry and for determining compensation.

7. In other words, persons interested must establish that they have got right over the property and once such rights are crystallized, the Land Acquisition officials are empowered to settle the compensation in favour of such persons.

8. In the present case, the petitioners are admittedly tenants. Private negotiations was agreed between the Chennai Metro Rail Limited and the land owner. The land owner has already received the compensation as per the terms agreed between the parties. The compensation has been paid both for the land and the super-structures therein. The 2nd respondent / owner had already executed a Sale Deed in favour of the Chennai Metro Rail Limited for the purpose of proceeding with the the Chennai Metro Rail project.

9. The facts and circumstances established would be sufficient for the



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purpose of forming an opinion that the petitioners, who all are claiming themselves as tenants have no claim in respect of the acquisition proceedings initiated. If at all any advance amount paid by the tenants to the owners are to be re-paid then the petitioners are at liberty to set out their claims against the owner of the property and not against the Chennai Metro Rail Corporation Limited.

10. As far as the petitioners are concerned, they are unconnected with the land and the building except the position as tenants and now the land absolutely vest with the Chennai Metro Rail Limited for the purpose of establishing the Chennai Metro Rail project and therefore, the petitioners are not entitled for any relief from the hands of this Court.

11. If at all the petitioners have got any claim against the owner / lessor, they are at liberty to workout their remedy and thus, there is no impediment for the 1st respondent to take possession and proceed with the the Chennai Metro Rail project.



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12. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition stands closed. No costs.

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Index : Yes

Speaking order

To

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