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W.M.P.No.19320 of 2023

in

W.P.No.1959 of 2023

S.M.SUBRAMANIAM.J.,

The proceedings dated 22.12.2022, informing the petitioner that the land acquisition made for the benefit of Chennai Metro Rail Project would not effect the right of pathway to the petitioner, is under challenge in the present writ petition.

2.The basis for filing of the present writ petition is that the petitioner lost his pathway on account of the acquisition made for developing Metro Rail Project. In view of the fact that the pathway has not been provided for the petitioner, this Court granted stay at the admission stage.

3.Now the respondent Special District Revenue Officer/ Land Acquisition Officer, Chennai Airport extension scheme, Sriperumbudur filed a counter affidavit stating as follows:

“7.I respectfully submit with regard to the averment made in paragraph 15 1 of the affidavit, the interest of the single person is not over weigh of the larger interest of the public. Further, the petitioner admits that there is alternate pathway



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which is suggested by the technical wing of the Chennai Metro Rail Limited through the land in survey No.1357/11B, acquired by the Highways Department. The petitioner has conveniently hide the pathway through the above said survey field. When the petitioner was pointing out the pathway, got annoyed and affirmed that he need not be dictated as to how the pathway can be used by the petitioner to reach the land parcel.

18.I respectfully submit that with regard to the averment made in paragraph 8 m of the affidavit, the petitioner was informed by the Special District Revenue Officer (LA), Chennai Metro Rail Limited, in letter No.30/LA/CMRL/2020, dated .12.2020, that because of the proposed acquisition of the land parcel in Survey No.1357/11, Poonamallee Village and Taluk, the pathway approaching to the remaining extent of the land of the petitioner will not get affected. Further, the Chennai Metro Rail Limited cannot be in a position to arrange pathway through the portion of the land proposed to be acquired from the petitioner.”

4.The Chennai Metro Rail Limited also filed a counter stating as follows:

"12.I submit that for the formation of Poonamallee Bus Terminus Metro Station the entire extent of 1640 sq.mts in survey field No.1137/11A, Poonamallee Village and Taluk, Thiruvallur District is required. I further submit that 6 Sq.Mts has been acquired by the Highways Department and CMRL has acquired 86 sq.mts out of the aforementioned extent of 1640 sq.mts. After



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careful consideration, the technical wing of CMRL has now assessed that Poonamallee bus Terminus Metro Station is a vital hub which expects heavy ridership and there must be sufficient parking facility to the commuters of the Metro. Therefore, considering the exigent nature of the project CMRL requires remaining land to facilitate the proposed project."

5.In view of the fact that alternate pathway has been provided to the writ petitioner and the learned counsel for the petitioner further states that the Chennai Metro Rail limited is ready and willing to take the whole property belonging to the petitioner and settle the compensation for the benefit of the public project, the parties are at liberty to negotiate in this regard.

6.However, continuance of interim stay would cause greater prejudice to the implementation of public project which is of paramount importance. Chennai Metro Rail Project if delayed would cause greater financial loss to the State Exchequer and therefore, the stay granted by this Court on 15.02.2023 in W.M.P.No.2039 of 2023, stands vacated and the vacate stay petition filed by the third respondent Chennai Metro Rail Limited in W.M.P.No.19320 of 2023 stands allowed.

07.07.2023





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