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W.P.No.18736 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.18736 of 2023

and

W.M.P.No.17980 of 2023

B.Sekar

... Petitioner

Vs.

1. The District Revenue Officer,
(Land Acquisiton),
Chennai Metro Rail Limited,
Chennai.

2. The Deputy Commissioner(Urban Land Tax),
(At. T.Nagar), 130, R.K. Madam Salai,
Mylapore, Chennai - 600 004.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records pertaining to the 1st respondent's proceedings vide Na.Ka.No. 1603/Land/CMRL/2022 dated 02.03.2022 and quash the same, in consequence to that, direct the 1st respondent to grant compensation for both land and building/superstructure comprised in S.No. 127/2C, block 07, S.No. 97 situated at Virugambakkam, Chennai for an extent of 20 cents



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For Petitioner : Mr.T.Padmanabhan for
Mr.K.Dassaiah

For Respondents :
(for R1) : Mrs.Rita Chandrasekar
(for R2) : Mr.P.Sanjay Gandhi, Govt.Advocate

ORDER

The memo issued by the Chennai Metro Rail Limited, declining the compensation to the petitioner in respect of the land, is under challenge in the present writ petition.

2. The petitioner states that the land in Urban Land Ceilings Proceedings were dropped in respect of the subject property and he is in possession of the property, has put up construction and is residing there. Therefore, the petitioner is entitled for compensation in respect of the acquisition made for the Chennai Metro Rail Project Limited.

3. The learned Government Advocate, appearing on behalf of the second respondent, produced the original files and stated that the Assistant Commissioner (Urban Land Tax) passed an order in proceeding dated 22.09.2000, fixing compensation for the land taken over under the Urban



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Land Ceiling Act. The said order was served on Mr.S.Mohanarangam, who is the son-in-law of Late Mr.V.R.Parathasarathi Pillai. He received the copy of the proceedings dated 22.09.2000, issued by the Assistant Commissioner, on 25.9.2000 itself.

4. As per the proceedings, an amount of Rs.1,56,000/- (Rupees One Lakh, Fifty-six thousand only) was determined towards land compensation. The learned Government Advocate made a submission that the said amount may be withdrawn by the legal heirs of the said Mr.V.R.Parathasarathi Pillai by approaching the competent authorities.

5. The learned counsel appearing on behalf of the Chennai Metro Rail Limited, made a submission that they are not obligated to settled the land cost to the petitioner since the land is declared as Government land under the Urban Land Ceiling Act. Therefore, the claim made against them is untenable.

6. The learned counsel appearing on behalf of the petitioner reiterated that the petitioner is in possession of the property since he has constructed a building therein. In respect of the building constructed under



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the provisions of the land Acquisition Act, the Chennai Metro Rail Limited is bound to pay the structural cost by making an assessment. Even in respect of the super-structures put up in the Government Poramboke lands, the respondents are bound to pay the cost of the building or Super-structure put up or as the case may be. It is brought to the notice of this Court that the Land Acquisition Officer and the Chennai Metro Rail Limited assessed the Super-structure and determined the compensation amount of Rs.30,35,160 /- (Rupees Thirty Lakhs, Thirty-five Thousand, One Hundred and Sixty only).

7. This being the factum, the petitioner is at liberty to approach the Assistant Commissioner (Urban Land Tax) for withdrawal of the land cost determined in proceeding dated 22.09.2000 along with the other legal heirs if any. As far as the compensation fixed for super-structure is concerned, the Chennai Metro Rail Limited is directed to settle the amount of Rs.30,35,160 /- (Rupees Thirty Lakhs, Thirty-five Thousand, One Hundred and Sixty only) within a period of two (2) weeks from the date of receipt of a copy of this order. The petitioner shall approach the authorities for the purpose of receiving the said amount.



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8. With these directions, the writ petition stands **disposed of**.

However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(sha)

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Index : Yes

Speaking Order

Neutral Citation : Yes

To

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S.M.SUBRAMANIAM. J.,

(sha)

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