



WEB COPY



W.P.No.19868 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19868 of 2023

and

W.M.P.No.19213 of 2023

G.Palani

... Petitioner

Vs.

1.The Estate Officer,
CMRL Depot, Admin Building,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.

2.The Commissioner,
Revenue & Land Acquisition Office,
Chennai North, Chennai – 600 081.

3.The Revenue Development Officer &
Land Acquisition Officer,
Chennai North Revenue Department,
Chennai – 600 081.

4.Simplex Infrastructures Limited, Project Office – CMRL,
Chennai Metro Rail Phase I Extension,
Project (ECV-102), Gowri Ashram to Wimco Nagar,
Thiruvottiyur High Road,
Chennai – 600 010.

... Respondents



W.P.No.19868 of 2016

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, to call for the entire records pertaining to the letter dated 21.05.2019 in Na.Ka.No.05/Ne.A/Che.Me.R. Ne/2016 on the file of the 3rd respondent.

For petitioner	: Mr.S.Ezhil Raj
For Respondents	:
(For R1 to R4)	: Mrs.Ritachandrasekar for CMRL.
(For R2 and R3)	: Mr.T.Arunkumar, Additional Government Pleader.

ORDER

The notice issued to the petitioner on 21.05.2019 by the Land Acquisition Officer to participate in the process of enquiry is under challenge in the present writ petition.

2. The learned counsel appearing on behalf of the Chennai Metro Rail Limited made a submission that a small portion of land and building, measuring 150 sq.ft., was acquired for temporary purposes. The CMRL has agreed that they will return back the portion of the property belonging to the petitioner which was utilised. Further, it was agreed by the CMRL that the demolished portion of the staircase will be reconstructed without causing any further damage or otherwise after completion of the Metro Rail Project.



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W.P.No.19868 of 2017



3. In this regard, the CMRL has already demolished the staircase constructed by the petitioner and used the same for the purpose of Metro Rail project. Therefore, the petitioner is entitled for compensation for use and occupation of the property belonging to the petitioner. Thus, the petitioner is at liberty to approach the competent authorities for the purpose of negotiation and to determine the compensation to be paid. In respect of the promise made by the authorities, they are directed to construct the demolished portion of the staircase after completing the project.

4. Regarding the compensation, the same can be negotiated and determined by the Authorities. Thus, the petitioner is at liberty to approach the Authorities within a period of two (2) weeks from the date of receipt of a copy of this order and on such approach, the Authorities are directed to consider the claim of the writ petitioner and determine the quantum of compensation to be paid and further actions to be initiated to reconstruct the demolished portion of the staircase on completion of the project.



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5. The petitioner is at liberty to approach the competent authority at the office of the CMRL at Nandanam and the Authorities competent are directed to complete the negotiations and determine the compensation.

6. Accordingly, the writ petition stands **disposed of**. No costs.
Consequently, connected miscellaneous petition is closed.

08.09.2023

Index:Yes
Speaking order
Neutral Citation:Yes
veda/sha



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To

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S.M.SUBRAMANIAM, J.

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