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W.P.No.22520 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.22520 of 2023

and

W.M.P.Nos.21959 & 21960 of 2023

Mr.R.C.Joshua

... Petitioner

Vs.

1.State of Tamil Nadu,
rep. by its Chief Secretary to Government,
Secretariat, Fort St. George,
Chennai – 600 009.

2.Chennai Metro Rail Limited,
Represented by its Chairman/MD,
Admin Building, CMRL Depot,
Poonamallee High Road, Koyambedu,
Chennai – 600 107.

3.The Special District Revenue Officer,
Chennai Metro Rail Limited,
Nandanam, Chennai – 600 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records from the file of the 2nd Respondent for quashing the notification issued by Respondent No.3 dated 16.06.2023 received on 19.06.2023 under Section



4(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 as being arbitrary, illegal and thus, null and void and consequentially direct the respondent not to take any coercive action pending disposal of the writ petition.

For Petitioner	: Mr.L.Chandra Kumar For Mrs.Ambili Menon.P
For R1	: Mr.T.Venkatesh Kumar Special Government Pleader
For R2 & R3	: Mrs.Rita Chandrasekar

ORDER

The writ on hand has been instituted challenging the order dated 16.06.2023.

2. The order impugned was issued by the Special District Revenue Officer (Land Acquisition), Chennai Metro Rail Limited under Sub Section 2(4) of the Tamil Nadu Acquisition of land for Industrial Purpose Act 1977. It is not in dispute that the land belonged to the petitioner was acquired for Metro Rail Project. The petitioner earlier filed W.P.No.1374 of 2022 challenging the notice dated 04.01.2022. The said writ petition was dismissed by this Court on 07.11.2022. The present writ petition has been instituted



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mainly on the ground that the objections raised by the petitioner for providing an access to the remaining portion of the property belonging to him was not considered and more so, the related claims of the adjacent property owners were considered by the Chennai Metro Rail Limited (CMRL).

3. The learned counsel for the petitioner pleads discrimination in this regard and contended that no opportunity was afforded to the writ petitioner even to present his case.

4. Since the petitioner has stated that an opportunity is to be given to explain his grievances before the competent authority with reference to the technical report, this Court provided an opportunity. On 29.07.2023, the petitioner met the competent authorities and put forth his grievances with reference to the technical report. The authorities have considered and reiterated that there is no technical feasibility for the purpose of considering the request of the petitioner and accordingly, rejected his contentions.

5. The learned counsel for the respondents made a submission that even on the earlier occasion an opportunity was provided to the petitioner



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and the petitioner submitted his objections, which was also considered by the competent authorities. The notice of hearing issued by the respondent was not responded by the petitioner nor did he appear for such an enquiry. Thus, the authorities have proceeded as per technical report and thereafter, rejected the objections submitted by the petitioner.

6. Pursuant to the meeting held on 29.07.2023, the Special District Revenue Officer, CMRL passed an order on 01.08.2022. The sketch enclosed along with the order, would reveal that a pathway has already been provided to reach the remaining portion of the property belonging to the petitioner. Therefore, it is not the case as if there is no pathway to reach the remaining un-acquired portion of the property belonging to the petitioner.

7. In respect of the entire claims set out by the petitioners, High Court cannot give any opinion for the purpose of interfering with the technical report or feasibility for the purpose of changing the realignment or otherwise. All such project details and execution are to be made by the experts team and the High Court not being an expert body cannot offer any opinion or issue direction to change the alignment or otherwise. Such an adjudication is



beyond the scope the judicial review under Article 226 of the Constitution of India. Thus, the objections as well as the suggestions given by the petitioner has been considered in more than one occasion and even at the instance of this Court, the petitioner participated in the meeting and the authorities have reviewed the feasibility of the realignment and formed an opinion that it is not possible.

8. That being the final report filed by the respondents, there is no scope for interfering with the order impugned and the learned counsel for the respondents 2 and 3 on instruction made a submission that the petitioner is bound to hand over the entire portion of the land and in such an event the respondents are ready to settle the compensation as per the Act.

9. Therefore, the respondents are at liberty to pass an award by following the procedures or in alternate the petitioner is at liberty to request for private negotiation for determining the compensation. Such an exercise shall be done by the authorities within a period of one (1) week from the date of receipt of a copy of this order.



10. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition stands closed.

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Index : Yes

Speaking order

Neutral Citation : Yes

To

- 1.The Chief Secretary to Government,
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- 2.The Chairman/MD,
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S.M.SUBRAMANIAM, J.

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