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WP No.23008 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-06-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.23008 of 2021

And

WMP No.24204 of 2021

K.Ramasundaram

... Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by the Secretary to Government,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
- 2 The District Collector,
Singaravelar Maaligai,
Chennai –600 001.
- 3.The Special Tahsildar (Land Acquisition)
Mass Rapid Transit System - Phase II Extension,
CMDA Building (G7)
Egmore,
Chennai -600 008.



4. The Deputy Chief Engineer – I,
Metropolitan Transport Project (Railway – I),
Southern Railway,
Mylapore,
Chennai -600 004.

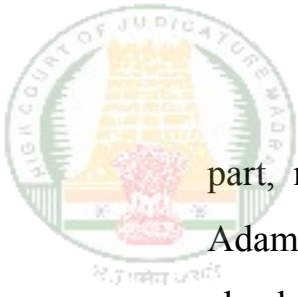
5. The Managing Director,
Chennai Metro Rail Ltd.,
Admin Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.

6. Chief General Manager,
Project Planning and Design,
Chennai Metro Rail Ltd.,
Admin Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.

7. The District Revenue Officer /
Legal Officer Chennai Metro Rail Ltd.,
Admin Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from interfering with the physical possession and enjoyment of land and superstructure over a 145.5 Sq.mts. (1566 sq. ft) in Old Survey No. 52/1



part, newly sub divided Town Survey No.48 of Ward 'E' Block No. 8, Adambakkam Village, Alandur Taluk, Chennai, which is demarcated as absolutely belonging to the petitioner after possession of the 118 sq. mts (1270 sq. ft) is taken for the MRTS Phase-II Extension project out of the total extent of 263.5 sq. mts (2836.3 sq. ft) belonging to the petitioner, except by due process of law.

For Petitioner : Mr.D.Shivakumaran

For Respondents-1 to 3 : Mr.T.Arunkumar,
Additional Government Pleader.

For Respondent-4 : Mr.P.T.Ramkumar,
Standing Counsel for Railways.

ORDER

The relief sought for in the present writ petition is to forbear the respondents from interfering with the physical possession and enjoyment of land and superstructure over a 145.5 Sq.mts. (1566 sq. ft) in Old Survey No. 52/1 part, newly sub divided Town Survey No.48 of Ward 'E' Block No. 8, Adambakkam Village, Alandur Taluk, Chennai, which is demarcated as absolutely belonging to the petitioner after possession of the 118 sq. mts (1270 sq. ft) is taken for the MRTS Phase-II Extension project



out of the total extent of 263.5 sq. mts (2836.3 sq. ft) belonging to the petitioner, except by due process of law.

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2. The petitioner states that he is the absolute owner of the property more fully described in the present writ petition. The portion of the land building belonging to the petitioner was acquired for the development of Metro Rail Project Limited and the Project Authorities had already taken possession of the land acquired under the land acquisition proceedings.

3. The grievance of the petitioner is that over and above the land already acquired, the Authorities have marked the areas, which all are not covered under the land acquisition proceedings.

4. In view of the said grievance raised by the petitioner, this Court direct the Authorities to conduct a Joint Survey and submit the report.

5. The learned Additional Government Pleader appearing on behalf of the respondents submitted the copy of the Status Report of the Special Tahsildar, which reads as under:-



“5. It is respectfully submitted that in pursuance of the said order, the concerned Surveyor of Alandur Taluk was deputed by the Tahsildar, Alandur Taluk with a direction to survey the subject property comprised in Old Survey No.52/1, newly sub-divided as Town Survey No.48 of Ward 'E' Block No.8, Adambakkam Village, Alandur Taluk, Chennai and demarcate the petitioner's land, as well as the land acquired by the third respondent herein. In obedience to this, the Surveyor had accompanied by the representatives of the third and fourth respondents herein for the purpose of identifying the acquired land and the petitioner who apprehended that the respondents are attempting to interfere with the peaceful possession and enjoyment of the petitioner's property in Old Survey No.52/1 part, newly sub-divided Town Survey No.48, was also present. The said property was measured by the Surveyor in the presence of the concerned parties. The portion of the land acquired by the third and fourth respondents and the portion of the property retained by the petitioner were pointed out by the Surveyor. It was found that the third and fourth respondents have



not encroached any further land other than the land acquired by them. The said facts have also been pointed out to the petitioner herein.”

6. The petitioner also participated during the survey process and the Authorities have ascertained that there was no excess time offered by the Authorities and thus, the apprehension of the petitioner has been cleared. Thus, there is no further adjudication is required in respect of the grounds raised in the present writ petition.

7. With the above observations, the writ petition stands closed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also closed.

22-06-2023

Index : Yes/No
Internet: Yes/No
Speaking order/Non-Speaking order
Neutral Citation : Yes/No
Svn



To

1. The Secretary to Government,
State of Tamil Nadu,
Housing and Urban Development Department,
Fort St. George,
Chennai - 600 009.
2. The District Collector,
Singaravelar Maaligai,
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6. Chief General Manager,



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S.M.SUBRAMANIAM, J.

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