



W.A.No.2441 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.A.No.2441 of 2023

A.Baskaran

.. Appellant

Vs.

1. The District Collector
District Collector Office
Tiruvallur 602 001.
2. The Special District Revenue Officer
Land Acquisition for CMRL
Chennai Metro Rail Limited
Chennai Metro Rail Project
Nandanam, Chennai 600 035.
3. Chennai Metro Rail Limited
Rep. by its Managing Director
Ministry of Housing & Urban Affairs
Government of India
Registered Office at CMRL Depot
Poonamallee High Road, Koyambedu
Chennai 600 107.
4. The Secretary to Government
Highways and Minor Ports Department
Chennai 9.

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5. The Special Tahsildar
Highway Projects, TNUDB-3
Poonamallee.

.. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 24.07.2023 made in W.P.No.1959 of 2023.

For the Appellant : Mr.C.Veera Raghavan

For the Respondents : Mr.K.M.D.Muhilan
Additional Government Pleader
for Respondents 1, 4 & 5

Mrs.Rita Chandrasekaran
for Respondents 2 & 3

JUDGMENT

(Delivered by the Hon'ble Chief Justice)

Mr.C.Veera Raghavan, learned counsel for the appellant, Mr.K.M.D.Muhilan, learned Additional Government Pleader for the respondents 1, 4 and 5 and Mrs.Rita Chandrasekaran, learned counsel for the respondents 2 and 3.

2. The appellant assails the order dated 24.07.2023 passed by the learned Single Judge.

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3. The appellant, in the writ petition, sought to call for the records in relation to the impugned proceedings and to quash the same. The Land Acquisition Officer, after considering the objection, has observed that the approach road available will not affect the pathway to be used by the appellant. In other words, there is a pathway existing for the usage of the people in that locality. It is observed that the award has been passed on 15.12.2022 and the same would be communicated. The amount is also deposited in Court. The learned Single Judge has also observed that the appellant is at liberty to draw the compensation amount already deposited by following the procedure as contemplated.

4. Learned counsel for the appellant submits that the existence of pathway is admitted by the respondents. However, one lady has filed a writ petition before this Court challenging the acquisition proceedings.

5. In fact, the impugned order does not, in any way, affect the



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rights of the appellant. On the contrary, it has been observed that the appellant is at liberty to draw compensation amount already deposited by following the procedure and has also observed about the existence of pathway.

6. As the impugned order nowhere affects the rights of the appellant nor can be said to be against the appellant, the appellant ought not to have filed the present appeal. If some other proceedings are pending, the parties shall be at liberty to take appropriate steps.

7. The writ appeal, as such, is disposed of. There will be no order as to costs. Consequently, C.M.P.Nos.20412 and 20415 of 2023 are closed.

(S.V.G., CJ.)

(P.D.A., J.)

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Index : Yes/No

Neutral Citation : Yes/No

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