



WEB COPY

W.P.No.26052 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26052 of 2023
and W.M.P. No.25474 of 2023

R. Venkatesan

... Petitioner

Vs.

1. Chennai Metro Rail
By its Chief General Manager,
No.327, Anna Salai, Nandanam,
Chennai – 600 035, Tamil Nadu

2. The Re-Settlement Officer,
Chennai Metro Rail Ltd,
Administration Building,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.

3. The Executive Officer
A/m. Rathina Vinayagar &
Durgaiamman Thirukoil,
No.22, Whites Road,
Royapettah, Chennai – 600 014.

4. Mrs. Ugmadevi @ UmaDevi

5. Ismail Sheriff

... Respondents



Prayer: writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to consider the representation dated 21.03.2023 and pass order on the same seeking compensation for the superstructure owned by the petitioner, as a person interested / affected.

For Petitioner : Mr.B.Divakaran

For Respondents : Mrs. Rita Chandrasekar
(R1 & R2) for CMRL

For Respondent : Mr. K. Karthikeyan
(R3) Government Advocate (HR & CE)

ORDER

The relief sought for in the present writ petition is to direct the first representation to consider the petitioner's representation dated 21.03.2023 seeking compensation for the superstructure owned by the petitioner and pass orders on the same.

2. The grievances of the writ petitioner is that he is a lessee under the third respondent/ temple and the subject land was acquired for developing Chennai Metro Rail Project, Phase 3.

3. The learned counsel for the petitioner states that the superstructure was constructed in the leased out property with the permission of the temple and therefore, the petitioner is entitled for compensation for the



superstructure.

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4.The learned counsel appearing on behalf of the respondents 1 and 2 raised objection by stating that the petitioner was identified as a lessee and the compensation determined had already been deposited in the account of temple on 20.04.2023.

5. Since the compensation has already been deposited, after the adjudication and on verification of records that the temple is the owner of the property, the petitioner has no locus to approach the Chennai Metro Rail Limited for the purpose of seeking compensation for the superstructure. If at all the petitioner has invested his money for the construction of superstructure with the permission of the temple, he is at liberty to approach the temple authorities for the purpose of redressal of his grievances or to approach the Civil Court, as the case may be, in the manner known to law.

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

05.09.2023

nl/shl

Index : Yes



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1. The Executive Officer
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S.M.SUBRAMANIAM, J.

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