



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26318 of 2023
and W.MP.No.25724 of 2023

M. Shenbaga Kani

... Petitioner

Vs.

1.The Managing Director,
Chennai Metro Rail Limited,
No.327, Anna Salai, Nandanam,
Chennai – 600 035.

2.The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings, E.V.R. Salai,
Chennai – 600 003.

3.The Special District Revenue Officer (LA),
Chennai Metro Rail Limited,
Nandanam, Chennai-35.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent not to demolish the front portion of the property (i.e) 81 sq.m till the second respondent give approval for the remaining extent of the property (i.e) 38.5



sq.m consequently issue appropriate direction to the first respondent to take the remaining extent of the property(i.e) 38.5 sq.m as per notification issued by the third respondent dated 06.01.2023 and 30.03.2023 on par with front portion of the property value.

For Petitioner : Mr. S. Bhuvaneswaran

For Respondent 1 : Mrs. Ritachandrasekar

For Respondent 3 : Mr. C.Jayaprakash,
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the first respondent not to demolish the front portion of the property (i.e) 81 sq.m till the second respondent give approval for the remaining extent of the property (i.e) 38.5 sq.m and consequently issue appropriate direction to the first respondent to take the remaining extent of the property (i.e) 38.5 sq.m as per notification issued by the third respondent dated 06.01.2023 and 30.03.2023 on par with front portion of the property value.

2. It is not in dispute that the portion of the land and building belonged to the petitioner had acquired for the purpose of Chennai Metro Rail Project.



3. The learned counsel for the petitioner made a submission that the petitioner had received compensation. The left out portion of the land and building is not in an usable condition and therefore, the petitioner made a request to acquire the entire land and pay compensation. The authorities have issued a notification on 06.01.2023 and the petitioner has filed his no objection for taking the entire land belonging to the petitioner.

4. The learned counsel appearing on behalf of the Chennai Metro Rail Limited made a submission that the Chennai Metro Rail Limited will acquire the required portion of the land for developing the project and the petitioner cannot force the Chennai Metro Rail Limited to acquire the balance portion left out. It is the discretion of the Chennai Metro Rail Limited to take a decision in this regard and if lands are required for further development or otherwise, they will initiate action to acquire the entire land. However, the petitioner cannot insist the Chennai Metro Rail Limited to acquire the whole land and building.

5. Acquisitions are made based on the public projects. No land owner can seek a direction from the High Court to acquire a portion of the land or



W.P.No.26318 of

the entire land. It is the policy decision of the Chennai Metro Rail Limited to acquire land for the purpose of completion of the public projects and that being the scope of the land acquisition proceedings, the petitioner is at liberty to claim compensation or enhanced compensation as contemplated under the provisions of the Act.

6. Thus, the relief as such sought for in the present writ petition is not entertainable and it is for the respondents to take a decision for acquisition of further lands or otherwise.

7. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

08.09.2023

nl

Index : Yes
Speaking order



WEB COPY

W.P.No.26318 of



To

1.The Managing Director,
Chennai Metro Rail Limited,
No.327, Anna Salai, Nandanam,
Chennai – 600 035.

2.The Commissioner,
Greater Corporation of Chennai,
Ripon Buildings, E.V.R. Salai,
Chennai – 600 003.

3.The Special District Revenue Officer (LA),
Chennai Metro Rail Limited,
Nandanam, Chennai-35.



WEB COPY

W.P.No.26318 of



S.M.SUBRAMANIAM, J.

nl

W.P.No.26318 of 2023
and W.MP.No.25724 of 2023

08.09.2023