



W.P.No.32118 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.32118 of 2023
and
W.M.P.No.31698 of 2023

E.Sahul Hameed

... Petitioner

versus

1.The District Revenue Officer,
(Land Acquisition),
Office of The Chennai Metro Rail,
Metros, Nandanam,
Chennai – 600 035.

2.The Chairman,
Chennai Metro Rail Limited (CMRL),
Administration Building,
CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai – 600 007.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to
issue a Writ of Certiorarified Mandamus calling for the records in respect of
this summon No.எஸ்சி12/ஆர் & ஆர் /து.ஆ(நி.எ1) /வத4/22, dated 28.02.2023
issued by the first respondent to quash the same and to direct the

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respondents CMRL to pay the infrastructure and etc., loses as the amount of Rs.16,00,000/- (Rupees Sixteen Lakhs only) incurred due to the atrocities of the respondents.

For Petitioner : Mr.G.K.Sreedhar
For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader for R1
Mrs.Rita Chandrasekar
Standing counsel for CMRL for R2

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader takes for the first respondent and Mrs.Rita Chandrasekar, learned Standing Counsel for CMRL takes notice for the second respondent. With the consent of both the parties the writ petition is taken up for final disposal at the admission stage, itself.

2. This Writ Petition has been filed to quash the summon dated 28.02.2023 bearing reference No.எஸ்சி12/ஆர் & ஆர்/து.ஆ(நிஎ1)/வத4/22 issued by the first respondent and to direct the respondents CMRL to pay the loses occurred to the petitioner to the tune of Rs.16,00,000/- (Rupees Sixteen Lakhs only).

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3. The learned counsel for the petitioner submitted that except the summons served on the petitioner for enquiry dated 28.02.2023 by the respondents, the respondents have not followed any procedures in due process of law.

4. The learned counsel for the first respondent submitted that the petitioner is none other than the trespasser/encroacher of the subject property, however, enquiry was duly conducted by the respondents.

5. The learned counsel for the second respondent submitted that already enquiry was conducted, Award was passed, possession was also taken by the Department and further the Award amount has been deposited in the Civil Court. If the petitioner has any grievance over the award passed by the second respondent, he has to approach the Civil Court and get the remedy by proving his title and possession over the subject property.

6. Considering the facts and circumstances and considering the fact that in respect of the impugned summons dated 28.02.2023, already the



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second respondent has conducted the enquiry, Award was passed and the Award amount was also deposited in the Civil Court, this Writ Petition is not maintainable.

7. Accordingly, this Writ Petition is dismissed. However, it is open to the petitioner to work out his remedy in the manner known to law. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

09.11.2023

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
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To

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P.VELMURUGAN, J.

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