



WEB COPY

W.P.No.27650



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27650 of 2023

A/m Kapalesswarar Thirukoil,
Rep by its Executive Officer/Deputy Commissioner,
Kutchery Road,
Mylapore,
Chennai – 600 041.

... Petitioner

Vs.

1.The Special Tahsildar (Land Acquisition),
Chennai Metro Rail Project,
Koyambedu,
Chennai – 600 107.

2.The District Collector, Chennai,
Singaravelar Maligai,
Rajaji Salai,
4th Floor, Beach Road,
Chennai – 600 001.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 22.09.2022 bearing Reference Award No.C4/008/2022 passed by the 1st respondent and quash the same for contravening the provisions of the TNALIP Act and determining the compensation unilaterally and direct the 2nd



respondent to hold fresh proceedings for determining the compensation in accordance with the provisions of the TNALIP Act and determine the compensation after giving due regard to the guidelines issued in G.O.Ms.No. 200 dated 2.11.2018.

For Petitioner	: Mr.A.K.Sriram Senior Counsel For M/s.A.S.Kailasam & Associates
For R1	: Mrs.Rita Chandrasekar [For CMRL]
For R2	: Mr.T.Arunkumar, Special Government Pleader

ORDER

The award passed under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 is under challenge in the present writ petition.

2. The petitioner is the Arulmigu Kapaleeshwarar Temple represented by its Executive Officer/Joint Commissioner. It is not in dispute that the properties belonging to the Temple was acquired for the purpose of developing Chennai Metro Rail Project. A land measuring to an extent of 7028.89 Sq.ft has been acquired and the compensation determined by the Land Acquisition Officer to



the tune of Rs.42,50,89,646/- was settled in favour of the petitioner / Temple.

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3. The learned counsel for the petitioner mainly contended that the determination of compensation by the Land Acquisition Officer was improper and not in consonance with the market value prevailing in that locality. Even a copy of the award has not been served on the Temple Authorities. The objections raised by the petitioner regarding guideline value and market value are not considered by the competent authorities and thus, the petitioner is constrained to move the present writ petition.

4. An appeal provision is available in a Land Acquisition Act for the purpose of seeking enhancement of compensation. The Competent Authority is the District Collector concerned. Therefore, the petitioner may approach the District Collector seeking enhancement of compensation by producing the documents and by raising factual and legal grounds.

5. Admitting the writ petition at this stage and keeping the same would do no service to the cause of justice. Contrarily, the petitioner may be regulated to approach the District Collector for the purpose of resolving the issues in the manner contemplated under the Land Acquisition Act.



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6. Accordingly, the petitioner is at liberty to approach the District Collector by filing an appropriate application seeking enhancement of compensation and other relief for which they are entitled. In the event of receiving any such application, the Collector shall entertain the same without reference to the delay and adjudicate the same on merits and by affording opportunity to all the parties and enhance the compensation or otherwise as the case may be in the manner known to law.

7. With these observations, this Writ Petition stands disposed of. No costs.

25.09.2023
(1/2)

Jeni
Index : Yes
Speaking order
Neutral Citation : Yes



To

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S.M.SUBRAMANIAM, J.

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