



WEB COPY

W.P.No.27879 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27879 of 2023

and

WMP.No.27372 of 2023

Dharmathoppu Arakkattalai
Represented by its Managing Trustee,
S.Ranga @ Ranga Reddy,
No.265, M.T.H Street,
Villivakkam,
Chennai – 600 049.

... Petitioner

Vs.

- 1.The District Collector,
District Collector Office,
Chennai – 600 001.
- 2.The District Revenue Officer
(Land Acquisition),
Chennai Metro Rail Limited,
Chennai.
- 3.The Land Acquisition Officer and
Revenue Divisional Officer,
Chennai Central Revenue Division,
Anna Nagar West Extension,
Chennai – 600 101.



4.The Tahsildar,
Land Acquisition,
Chennai Metro Rail Limited,
Chennai.

5.The District Revenue Officer,
Settlement Officer,
Chennai Metro Rail,
Chennai.

6.The Commissioner of land Administration,
Chepauk, Chennai-5.

7. The Managing Director,
Chennai Metro Rail Project Limited,
Nandanam Chennai 35.

8. The Administrator General and
Official Trustee of High Court of Madras,
Madras High Court Campus, Chennai-104 ... Respondents

(R6 to R8 are suo motu impleaded in W.P.No.27879 of 2023 dated
26.09.2023 by S.M.S.J.)

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to conduct the enquiry with the petitioner in view of the Hon'ble Court order made in W.P.No.20392 of 2020, dated 11.02.2021 and consequently to fix the compensation towards the land comprising in old survey No.166, T.S.No.33/1 measuring 780 Sq.mtrs T.S.No.33/3 and T.S.No.33/4 measuring Acre 19900 sq.mtrs, situated at Villivakkam Village, Aminjikarai Taluk, Chennai district acquired for Chennai Metro Rail Limited in favour of the original owner



based on the relevant documents on completion of the enquiry.

For Petitioner

: Mr.M.G.Ramachandiran

For Respondents

: Mr.R.Ramanlaal

Additional Advocate General – IV

Assisted by

Mr.G.Krishna Raja,

Additional Government Pleader

[for R1 to R6]

: Mrs.Rita Chandrasekar for CMRL [for R7]

ORDER

In view of certain doubtful circumstances arising from and out of the facts narrated in the writ petition, after hearing the learned Additional Government Pleader and the learned Standing Counsel, appearing on behalf of the Chennai Metro Rail Limited, this Court thought fit to suo motu implead the following respondents:

(i)the Commissioner of land Administration Chepauk Chennai-5

(ii)The Managing Director of Chennai Metro Rail Project Limited Nandanam Chennai 35.

(iii)The Administrator General and Official Trustee of High Court of Madras, High Court campus, Chennai-104

2. The relief sought for in the present writ petition is to direct the



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respondents to conduct the enquiry with the petitioner in view of the Hon'ble Court order made in W.P.No.20392 of 2020, dated 11.02.2021 and consequently to fix the compensation towards the land comprising in old survey No.166, T.S.No.33/1 measuring 780 Sq.mtrs T.S.No.33/3 and T.S.No.33/4 measuring Acre 19900 sq.mtrs, situated at Villivakkam Village, Aminjikarai Taluk, Chennai district acquired for Chennai Metro Rail Limited in favour of the original owner

3. The writ petition on hand is a classic case where boundaries are fixed for seeking the relief in a calculated manner. After hearing the parties, this Court found that bundle of facts, which all are not stated are required to be considered.

4. The order dated 30.03.2023, issued by the District Revenue Officer sought to be implemented, was issued on the date of retirement by Mr.A.R.A. Jayaraj, who was holding the post of the District Revenue Officer and signed the order by putting anti-date and retired from service.

5. It is not in dispute that the lands involved in the present case had



already been acquired for developing the Chennai Metro Rail Project and the projects are in progress. The compensation is yet to be settled on account of title dispute between various parties.

6. The counter affidavit filed by the Tahsildar Aminjikarai Circle reveals that the following cases are pending between various persons:

Sl.No.	Case No.	Filed by
1	C.S.No.599 of 1930	Munusamy Mudaliar
2	E.P.No.1008 of 1934	Sale Certificate issued in the name of Rajarathina Mudaliar
3	O.S.No.2462 of 2002	Dharma Thoppu Trust Arakkattalai against Arulmigu Muppiliamman Devasthanam
4	O.S.No.2775 of 2002	Not available
5	O.S.No.2349 of 2004	Not available
6	C.S.No.968 of 2007	Dharma Thoppu Trust
7	CS.D.No.28143 of 2007	
8	C.S.No.881 of 2009	Dharma Thoppu Trust
9	Criminal O.P.No.25925 of 2012	Meul H.Doshi
10	Criminal O.P.No.25926 of 2012	1.M.S.Ramachandran 2.M.R.Sivakumar
11	Criminal O.P.No.26157 of 2012	1.Harshad V.Doshi 2.Yashumathi H.Doshi
12	W.P.No.20392 of 2020	Dharma Thoppu Trust Arakkattalai
13	W.A.No.1717 of 2021	1.Yashoo Madhi Thoshi 2.Doshi Developers Private Limited.
14	C.M.P.No.10831 of 2021 In W.A.No.1717 of 2021	



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A perusal of the Town Survey Land Records shows that pattas have been issued in respect of T.S.No.33, Block No.28 of Villivakkam Town effectin four sub divisions as follows:

Block No.	T.S.No.	Classification	Extent Hec. Ares. Sq.mts			Name(s) of the Registered holders
28	33/1	Ryotwari manai	01	03	23.5	M.R.Sivakumar
28	33/2	Circar Poramboke	00	05	57.0	National Highways
28	33/3	Ryotwari Manai	00	20	46.5	Y.Yashumathi Doshi
28	33/4	Ryotwari Manai	01	78	53.0	M.S.Doshi Developers and Builders Pvt.Ltd.
			03	07	80.0	

7. The learned Additional Advocate General, mainly contended that the then District Revenue Officer Mr.A.R.A.Jayaraj, by putting anti-date, after attaining the age of superannuation, signed the order and released the same for settling the compensation in favour of the writ petitioner. The learned Additional Advocate General made a submission that there is an illegality apparent on record and more so, the civil litigations are pending between rival groups. The land seems to be an Inam Land and the Government also has got a right in respect of the Inam lands and therefore, in this regard, the AGOT has to conduct an inquiry since it is in the nature of public charity.



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8. All these aspects are to be gone into before settling the compensation. The CMRL has determined the compensations as Rs.153,58,12,026/-. Such high value compensation cannot be settled by the District Revenue Officer, and beyond the limit of Rupees Fifty Crores, the amount of compensation is to be settled only by the Commissioner of Land Administration. Therefore, the District Revenue Officer has no jurisdiction to pass the order dated 30.03.2023 to settle such a huge compensation of Rs.153,58,12,026/-, more specifically when the title of the properties are in cloud and several civil litigations are pending between many rival parties.

9. The manner in which the then District Revenue Officer Mr.A.R.A.Jayaraj functioned is a shocking revelation. Prosecution and other actions are certainly imminent. If at all, the District Revenue Officer was already allowed to retire from service, then all appropriate actions are to be initiated under the Tamil Nadu Pension Rules. Since he was allowed to retire from service in March 2023, the time limit is available for initiation of all appropriate actions. If the allegations are found to be proved and if the Government is unable to inflict major penalty under Tamil Nadu Civil Services Discipline and Appeal Rules, then the penalty under Rule 8 of the



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Tamil Nadu Pension Rules is to be imposed. Under Rule 8 of the Tamil Nadu Pension Rules, 1978, it is stipulated that "The pension sanctioning authority may by order in writing withhold or withdraw a pension or part thereof whether permanently or for a specific period if the pensioner is convicted of a serious crime or is found guilty of grave misconduct"

10. It is brought to the notice of this Court by the Learned Counsel for the petitioner that an element of criminality also has been established and in this regard, the Commissioner of Land Administration, is directed to look into the facts in entirety and initiate criminal prosecution against all persons including the Government officials and public servants who all are involved into the allegations.

11. At the outset, appropriate actions are directed to be initiated against the then District Revenue Officer Mr.A.R.A.Jayaraj and against all other persons, such as R.D.O. etc., who are involved in such serious allegations of criminality and such an action is directed to be initiated within a period of three (3) months from the date of the receipt of a copy of this order.



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12. The Commissioner of Land Administration is directed to deposit the compensation in any one of the nationalised bank, in an interest bearing deposit scheme, till such time the issues are resolved and the actual beneficiaries are identified in the manner known to law.

13. With the above directions, it is made clear that no person involved in this allegations must be allowed to go scot free and the Commissioner of Land Administration shall ensure criminal prosecution and all other consequential actions in the manner contemplated.

14. C.M.R.L. is at liberty to proceed with the project as per their schedule.

15. Accordingly, the writ petition stands **disposed of** . No costs.



16. Post the matter for reporting compliance before this Court on 10.01.2024. Consequently, connected miscellaneous petition is closed.

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veda/mkn2/krk
Index : Yes/No
Speaking order/Non speaking order
Neutral Citation : Yes /No

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S.M.SUBRAMANIAM, J.

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