IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2023

CORAM

THE HON'BLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.A.No.2841 of 2023

Sekar .. Appellant

Vs.

1.The District Revenue Officer,
(Land Acquisition)
Chennai Metro Rail Limited,
Chennai.

2.The Deputy Commissioner (Urban Land Tax),
(At T.Nagar)
No.130, R.K. Madam Salai,
Mylapore, Chennai-600 004. .. Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent against the order of the learned Single Judge dated 24.07.2023 passed in W.P.No.18736 of 2023.

For the Appellant : Mr.B.Kumarasamy

For the Respondents : Mrs.Rita Chandrasekar
for respondent No.1

: Mrs.R.Anitha
Spl. Government Pleader
for respondent No.2

JUDGMENT
(Delivered by the Hon'ble Chief Justice)

We have heard Mr.B.Kumarasamy, learned counsel for the appellant; Mrs.Rita Chandrasekar, learned counsel for the first respondent; and, Mrs.R.Anitha, learned Special Government Pleader of the second respondent.

2. The appellant/writ petitioner had filed a writ petition, bearing W.P.No.18736 of 2023, challenging the proceedings dated 02.03.2022 and further sought directions against the first respondent to grant compensation for both the land and building/superstructure comprised in Survey No.127/2C.

3. The learned Single Judge has dismissed the writ petition.

Aggrieved thereby, the present writ appeal.

4. Learned counsel for the appellant submits that the Competent Authority (Urban Land Tax) has dropped the proceedings for acquisition under the Tamilnadu Urban Land (C&R) Act, 1978 by passing a specific order dated 10.8.1987. According to learned counsel, the said aspect is not considered by the learned Single Judge. It is further submitted that a civil suit, bearing O.S.No.2941 of 2006, on the file of XII Assistant Judge, City Civil Court, Chennai, is filed by the father of the appellant seeking injunction against the respondents. The said suit is decreed on 29.12.2006. The appeal, bearing A.S.No.519 of 2006, filed by the Tahsildar, Mambalam-Guindy Taluk, is also dismissed on 29.04.2008.

5. Learned counsel for the appellant further submits that possession is still with the appellant and, as such, the appellant is entitled to the benefit of the Repeal Act.

6. The proceedings dated 10.08.1987 relied on by the appellant

to the effect that the acquisition proceedings were dropped is applicable only to the wet lands and not to the urban lands. The land, bearing Survey No.127/2C, is categorized as urban land.

7. The Repeal Act would apply if the land is a vacant land. The superstructure is constructed over the land and compensation is also awarded for the superstructure to the appellant.

8. As far as the suit in O.S.No.2941 of 2006 is concerned, the same is in respect of the land bearing Survey No.100/1 and not Survey No.127/2C. The same would not inure to the benefit of the appellant.

9. In the light of that, the learned Single Judge has not committed any error. The writ appeal is dismissed. There will be no order as to costs. Consequently, C.M.P.No.23657 of 2023 is closed.

(S.V.G., CJ.) (D.B.C., J.)
12.12.2023

Index : Yes/No
Neutral Citation : Yes/No
bbr

To

1.The District Revenue Officer,
(Land Acquisition)
Chennai Metro Rail Limited,
Chennai.

2.The Deputy Commissioner (Urban Land Tax),
(At T.Nagar)
No.130, R.K. Madam Salai,
Mylapore, Chennai-600 004.

THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.

bbr

W.A.No.2841 of 2023

12.12.2023