



W.P.No.29683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.11.2023

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THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.29683 of 2023
and
W.M.P.No.29291 of 2023

K.Sunil Mammen

... Petitioner

versus

1.Special District Revenue Officer,
Land Acquisition,
Chennai Metro Rail Ltd.,
327, Annasalai, Nandanam,
Chennai – 600 035.

2.The Special Tahsildar (LA),
Chennai Metro Rail Ltd.,
327, Annasalai, Nandanam,
Chennai – 600 035.

3.The Managing Director,
Chennai Metro Rail Limited,
327, Annasalai, Nandanam,
Chennai – 600 035.

4.The Manager,
TATA Projects,
25 A, AD Block,
Anna Nagar, Chennai – 40.

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5. The Assistant Commissioner of Police,
Puliyanthope Police Station,
Puliyanthope, Chennai – 12.

.....Respondents

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus forbearing the respondents their men or agents from in any manner interfering with the peaceful possession of the petitioner in T.S.No.2776/31 Block – 41 of Pursaiwalkam Village, Pursaiwalkam Taluk, Chennai District measuring 5 grounds and 295 sq.ft bearing Door No.59/117 Strahans Road, Chennai – 12.

For Petitioner : Mr.P.Solomon Francis

For Respondents : Mr.R.Shanmugasundaran
Advocate General
Assisted by Mr.Yogesh Kannadasan
Special Government Pleader for R1 and R2

Mrs.Rita Chandrasekar
Standing counsel for R3

Mr.S.Sugendran
Additional Public Prosecutor for R5

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus forbearing the respondents their men or agents from in any



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manner interfering with the peaceful possession of the petitioner in T.S.No.2776/31 Block – 41 of Pursaiwalkam Village, Pursaiwalkam Taluk, Chennai District, measuring 5 grounds and 295 sq.ft., bearing Door No.59/117 Strahans Road, Chennai – 12.

2. It is the claim of the petitioner that the promoter M/s.Rajarathnam Constructions had constructed 16 apartments, viz., RC Greenwood consisting of Stilt + 4 Floors in the subject property in T.S.No.2776/31, Block-41 of Pursaiwalkam Village, Purasaiwalkam Taluk, Chennai. The petitioner is the one of the owners of the said apartments. While so, the first respondent acquired the land of an extent of 188 sq.mts/2,023.632 sq.ft in the subject property for the purpose of formation of Metro Rail Line project. As against the said acquisition in the subject property, the petitioner and other apartment owners have given a representation dated 06.12.2022 to the respondents to drop the acquisition proceedings in the subject property.

3. When the matter was taken up for hearing on 06.11.2023, the



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learned counsel for the petitioner submitted that the first respondent had acquired some portion of the subject property for formation of Metro Rail Line project, if the said project is completed, rest of the portion of the building, will be affected. Therefore, this Court directed the learned Advocate General to submit an expert opinion regarding the stability and other aspects of the property.

4. Today, when the matter is taken up for hearing, the learned Advocate General appearing for respondents 1 and 2 produced a copy of the technical analysis/report dated 16.11.2023 obtained from the competent authority, which clearly shows that the acquisition made in the subject land would not cause any damage or harm to the building. He further submitted that the first respondent has already passed Award for acquisition of the subject land and the Award amount has also been deposited in the Civil Court. Further, the petitioner and other apartment owners have filed application to implead them in L.A.O.P.No.54 of 2023. As the petitioner was being ready to claim the compensation by impleading himself as one of



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the claimant in the said L.A.O.P.No.54 of 2023, he has no right to file the present writ petition and claim any relief.

5. However, the learned counsel for the petitioner submitted that even otherwise, if any inconvenience would be caused to the rest of the building and the persons, who have occupied in the building, has already made representations before the respondents, requesting to either give up the project from the acquired land or acquire the entire land. However, the respondents have not considered his representation or passed any orders and hence, this Court may direct the respondents to consider the said representation of the petitioner, which would serve the ends of justice.

6. Having regard to the submissions made by the learned counsel on either side, this Court, without going into the merits of the case, directs the respondents to consider the representation of the petitioner, dated 06.12.2022, and pass appropriate orders, on merits and in accordance with



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law, after affording an opportunity of personal hearing to the petitioner as well as all the necessary parties, as expeditiously as possible.

7. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

16.11.2023

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