



WEB COPY



W.P.No.3733 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 27.04.2023**

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**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.3733 of 2023**

**and**

**W.M.P.No.3812 of 2023**

**and**

**W.M.P.No.10968 of 2023**

John Peter Williams

...Petitioner

Vs.

1.The Chief Engineer,  
Metropolitan Transport Project (Railways)  
Southern Railways,  
Egmore, Chennai – 600 008.

2.The District Collector,  
Chennai District,  
Singaravelar Maaligai,  
32, Rajaji Salai, Chennai – 600 001.

3.The Special Thashildar MRTS  
MRTS Phase-II Extension  
Mylapore @ O/o CMDA  
No.1, Gandhi Irwin Road,  
Egmore, Chennai – 8.

..Respondents

**Prayer :** Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents not to interfere with the affairs of the schedule property by blocking the ingress and egress of it



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except under due process of law in in any manner to pay me compensation of Rs.15 lakhs for the demolished building without the petitioner permission.

For Petitioner : Mr.P.Arularasu

For R1 : Mr.C.Samivel  
Senior Panel Central Government  
Standing Counsel (SPCGSC)

For R2 & R3 : Mr.T.Arunkumar  
Additional Government Pleader

### **ORDER**

The writ petition has been filed to direct the respondents not to interfere with the affairs of the Schedule property.

2. The learned counsel for the petitioner mainly contended that the land belonging to the writ petitioner has not been acquired by the respondents and without following the procedures under the Acquisition Laws, the respondents are attempting to interfere with the property. Thus, the petitioner is constrained to move the present writ petition.

3. With reference to the apprehension raised by the petitioner in the affidavit filed in support of the writ petition, the 1<sup>st</sup> respondent filed a counter affidavit, stating as follows:



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*“3. As regards the averments of the petitioner set out in paras 5 and 6 of the affidavit, it is respectfully submitted that, out of 6195 Sq.feet of land of the petitioner, 4381 Sq.feet of land has been acquired through Revenue Department and compensation amount has been deposited with 2<sup>nd</sup> respondent. Work in this land was started after depositing the amount. Due to a small error in the demarcation of land, some more land is to be acquired for the implementation of MRTS phase II Extension project. Hence, Railways are ready to acquire the land required for the project through Revenue Department for the successful completion of project in public interest. Additional land will be acquired duly paying the compensation.”*

4. Regarding the lands already acquired, the compensation has already been deposited with the 2<sup>nd</sup> respondent / District Collector. Thus, the petitioner is at liberty to approach the 2<sup>nd</sup> respondent / District Collector by following the procedures and withdraw the deposited amount in the manner known to law.

5. If at all the petitioner is willing to seek for enhancement of compensation, then the petitioner has to approach the competent authority by following the procedures as contemplated under the Acquisition Act.



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6. As far as the remaining portion of the land is concerned, the 1<sup>st</sup> respondent has stated that they are ready and willing to acquire the land for the purpose of implementing the Metropolitan Transport Project (Railways) and the actions are in progress and accordingly, due compensation will be paid to the petitioner by following the procedures.

7. This being the counter affidavit filed by the 1<sup>st</sup> respondent, the petitioner is at liberty to withdraw the compensation already deposited and if not satisfied, prefer an appeal before the competent authority seeking compensation or otherwise.

8. The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the petitioner is objecting MRTS authorities from entering into this portion and filed a police complaint also. On account of such action of the petitioner, the authorities are unable to enter into the premises and implement the project. Since the first respondent has already filed a counter affidavit, stating that they are in the process of acquiring the land belonging to the petitioner, procedures will be undertaken to pay the compensation.



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9. The petitioner therefore cannot raise any objection for implementing the MRTS Schemes, which is a public project implemented in the interest of public. The Special Tahsildar (Land Acquisition) also reiterated that MRTS authorities have proposed to acquire the remaining 1,400 sq.ft also.

10. That being the factum, no further consideration is required in this writ petition. The authorities concerned are directed to complete the process of acquisition as expeditiously as possible and settle the compensation to the petitioner by following the procedures.

11. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

**27.04.2023**

Index : Yes  
Speaking order  
Neutral Citation: Yes  
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**S.M.SUBRAMANIAM, J.**

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