



WEB COPY



W.P.No.34757 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2023

CORAM

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.No.34757 of 2023
and
W.M.P.No.34729 of 2023

R.C.Joshua
S/o.G.T.Joshua

... Petitioner

versus

1.State of Tamil Nadu,
Represented by its Chief Secretary to Government,
Secretariat, Fort St.George,
Chennai – 600 009.

2.Chennai Metro Rail Ltd.,
Represented by its Chairman/MD,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.

3.The Special District Revenue Officer,
Land Acquisition,
Chennai Metro Rail Ltd.,
Nandanam, Chennai – 600 035.

.....Respondents



W.P.No.34757 of 2023

Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order issued by the third respondent dated 21.11.2023 in Na.Ka.No.011/2018 and quash the same consequently forebear the respondents from in any manner interfering with the possession and enjoyment of the petitioner in respect of his lands comprised in T.S.No.3132/8 of Purasaiwalkam Village and Taluk, Chennai District, pursuant to the alleged land acquisition proceedings said to have been initiated under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

For Petitioner : Mr.T.Sai Krishnan

For Respondents : Mr.Yogesh Kannadasan
Special Government Pleader
for R1 and R3

Mrs.Rita Chandrasekar
Standing Counsel for CMRL
for R2

ORDER

Mr.Yogesh Kannadasan, learned Special Government Pleader accepts notice for respondents 1 and 3 and Mrs.Rita Chandrasekar, learned Standing Counsel accepts notice for the second respondent/Chennai Metro Rail

Pg.Nos.2/9



W.P.No.34757 of 2023

Limited (CMRL). With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage, itself.

2. This Writ Petition has been filed to quash the impugned order dated 21.11.2023 issued by the third respondent in Na.Ka.No.011/2018 and consequently forbear the respondents from in any manner interfering with the possession and enjoyment of the petitioner in respect of his lands comprised in T.S.No.3132/8 of Purasaiwalkam Village and Taluk, Chennai District, pursuant to the alleged land acquisition proceedings said to have been initiated under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.

3. The case of the petitioner is that he is the absolute owner of three grounds of land comprised in Resurvey No.3132/8, Block No.52, Balfour Road, Kellys, Kilpauk, Chennai. While so, some extent of the land that belonged to the petitioner, was acquired for Metro Rail Project. The petitioner earlier filed W.P.No.1374 of 2022 and this Court, by an order dated 07.11.2022 directed the petitioner to appear before the private



W.P.No.34757 of 2023

negotiation committee along with title deeds and also directed the respondents to entertain the private negotiation and conclude the same within a period of two weeks and thereafter, disburse the compensation amount in favour of the petitioner. Thereafter, the petitioner appeared before the third respondent and requested to re-consider the design of the alignment and some negotiations had taken place. Thereafter, the third respondent sent a communication dated 05.06.2023 enclosing the copy of the sketch, which clearly shows that only 39 sq.mts of the petitioner's land is required to be acquired. While that being so, the third respondent issued notice on 16.06.2023 under Section 4(2) of the Act 10 of 1999 and directed the petitioner to hand over the possession of land of an extent of 160 sq.mtr. Challenging the said notice, the petitioner filed W.P.No.22520 of 2023. As per the directions of this Court dated 28.07.2023 in W.P.No.22520 of 2023, the petitioner appeared before the competent authority on 29.07.2023 and put forth his grievances with reference to the technical report. The authorities have considered and reiterated that there is no technical feasibility for the purpose of considering the request of the petitioner and accordingly rejected his contentions and also stated that in the earlier



W.P.No.34757 of 2023

occasion, an opportunity was provided to the petitioner and the petitioner submitted his objections, which were also considered by the competent authorities. This Court, recording the status report filed by the third respondent, dismissed the said writ petition and directed the respondents to pass an Award by following the procedures or in the alternative the petitioner is at liberty to request for private negotiation for determining the compensation. While so, impugned summons have been issued by the third respondent, wherein, it is stated that the subject property of an extent of 160 sq.mt had already been acquired and compensation was determined under the Tamil Nadu Act 10 of 1999 and Central Act, 2013 along with the land value, the building value, the value of the trees and 12% additional market value and 100% compensation had also been included in the total compensation and the petitioner was called upon to appear before the third respondent within 15 days with the relevant documents for claiming the compensation amount so awarded. Challenging the same, the present Writ Petition has been filed by the petitioner.



W.P.No.34757 of 2023

4.The learned counsel for the petitioner submitted that the impugned order dated 21.11.2023 of the third respondent in respect of the extent of land being acquired i.e. 160 sq.mtr is completely illegal and not in accordance with law. He further submitted that the petitioner was not served with any notice as contemplated under Section 21(4) of the Central Act, 30 of 2013 and no enquiry was conducted in accordance with the provisions of the Central Act 30 of 2013 and as such, the alleged Award said to have been passed.

5. Heard both sides and perused the materials available on record.

6. Needless to state that the impugned notice is only calling upon the petitioner to appear before the concerned authority along with relevant documents regarding payment of the compensation amount so awarded. Without appearing before the concerned authority, the writ petitioner filed the present writ petition. This Court is of the view that the petitioner should have appeared before the authority concerned and redress his grievance, but without doing so, the petitioner had approached this Court and filed the



W.P.No.34757 of 2023

present writ petition. The petitioner is at liberty to appear before the authority concerned for the summons and redress his grievance before the authority. Further it is open to the petitioner to challenge the order to be passed by the authority after the enquiry on the summons, if he aggrieved on the same.

7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

13.12.2023

Note : Issue order copy on 14.12.2023

Index: Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation Case : Yes/No

ms



WEB COPY



W.P.No.34757 of 2023

To

- 1.The Chief Secretary to Government,
State of Tamil Nadu,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Chairman/MD,
Chennai Metro Rail Limited,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai – 600 107.
- 3.The Special District Revenue Officer,
Land Acquisition,
Chennai Metro Rail Ltd.,
Nandanam, Chennai – 600 035.



WEB COPY



W.P.No.34757 of 2023

P.VELMURUGAN, J.

ms

W.P.No.34757 of 2023

13.12.2023

Pg.Nos.9/9