



W.P. No.35295 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED: 07.06.2023

CORAM:

THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.35295 of 2019
and W.M.P. Nos.36092, 36093 and 36095 of 2019

1. AR. Venkatachalam
2. K.Sri Rama Sagar
3. Nitin H.Shah
4. A. Tejus Gupta
5. Sanyogta Ahuja
6. Transcorp International Ltd.
Rep. By Regional Manager,
S.Vedapareeswaran

7. R. Gandhi
8. Usha Anantha Krishna
9. Anwar Ali H.A. Kareem
10. Kerala Film Distributors
Rep. By Partner
Anita Shyam Kumar

11. T. Uttam Reddy
12. GNG Consultancy Services (Madras) Pvt. Ltd.,
Rep. By Senior Vice President
Shanmuga Raja

13. Muthaiyah
14. Apex Agencies,
Rep. By General Manager Ganesan

15. MP. Bafna

...Petitioners

VS.



W.P. No.35295 of 2019

1. The State of Tamil Nadu,
Rep. by Secretary to Government,
Planning and Development and
Special Initiatives Department,
Fort. St. George,
Secretariat,
Chennai – 600 009.

2. The District Collector,
Rajaji Salai,
Chennai.

3. The Chennai Metro Rail Ltd.,
Rep. By its Chairman,
Koyambedu,
Chennai – 600 107.

4. The General Manager,
Chennai Metro Rail Ltd.,
Koyambedu,
Chennai – 00 107.

5. The Estate Officer and Joint General Manager,
Administrative Building,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the records of the 5th respondent in Rc. No.Est/D.N/Land-Phase-I/03/2019, dated 10.12.2019 and to quash the illegal demand of Rs.2,01,37,093/- (Rupees Two Crores One Lakh Thirty Seven Thousand and Ninety Three Only) as Lease Charges and consequently directing the respondents 3 to 5 to remove the grill that has been put up by the 3 to 5 in the frontage of the



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petitioners building bearing door No.189, Anna Salai, Chennai and forbear the respondents from in any way interfering with the access to the petitioners to Anna Salai from their building from all points of the frontage of the petitioners building including the entry and exist as it existed at the time of acquisition of the lands of the petitioners in survey No.323/2 now numbered as 323/11.

For petitioner : Ms.S. Meenashi
for Mr.C.T. Murugappan

For respondents : Mr.P. Sathish,
Addl. Govt. Pleader
for R1, R2, R6 and R7
Mrs.Rita Chandrasekar
for M/s.Jayes B.Dolia for R3 & R4
R5 – No appearance

ORDER

This writ petition has been filed to quash the demand issued by the 5th respondent in Rc. No.Est/D.N/Land-Phase-I/03/2019, dated 10.12.2019 of Rs.2,01,37,093/- (Rupees Two Crores One Lakh Thirty Seven Thousand and Ninety Three Only) as Lease Charges and consequential direction to the respondents 3 to 5 to remove the grill that has been put up by the 3 to 5 respondents in the frontage of the petitioners building bearing door No.189, Anna Salai, Chennai and to forbear the respondents from in any way interfering with the access to the



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petitioners to Anna Salai from their building from all points of the frontage of the petitioners building including the entry and exit as it existed at the time of acquisition of the lands of the petitioners in survey No.323/2 now numbered as 323/11.

2. It is the case of the petitioners that they are the shop owners of the multi-storied building at Door No.189, Anna Salai, Mount Road, Chennai – 600 006, from whom lands were acquired by Chennai Metro Rail Ltd for the purpose of laying underground tunnel and stations. Subsequently, Notification was issued by the Government for such acquisition and after due enquiry, Declaration under Section 6 of the Land Acquisition Act was passed leading to the passing of the Award on 01.03.2012, thereby petitioners received their share of compensation. Later, being not satisfied with the meagre compensation, they sought for reference for enhancement of compensation under Section 18 of the Act, which is now pending before VI Additional City Civil Court, Chennai. Though the said lands were acquired in the year 2011, the task was not completed by CMRL and the petitioners were put to immeasurable hardship. While so, CMRL have blocked one of the ingress and egress of the petitioner to the building and put up a grill, thereby entry point to the



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said building was obstructed. When they approached CMRL to remove the grill they started giving pinpricks and blocked the other entrance of the petitioners. Thereafter, the petitioner submitted their grievances before the CMRL for removal of the said obstruction, whereas CMRL has passed the impugned order, thereby demanding a sum of Rs.2,01,37,093/- for the usage of land as lease damages. Challenging the said demand, the instant petition has been filed by the petitioners.

3. Learned counsel for petitioners submitted that though the petitioners lands were acquired by CMRL, they have not carried out the same and moreso, the ingress and egress to their property was blocked by the erection of grills. In such a scenario, petitioners have approached CMRL, who in turn levied the impugned demand, which is arbitrary and unsustainable in the eye of law. Thus, the impugned order passed by CMRL requires interference by this Court and hence, she prays for setting aside the said impugned order.

4. Learned Counsel for the respondents 3 and 4 submitted that admittedly, petitioners property were acquired by CMRL and compensation had been settled to petitioners, whereas the



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respondents/CMRL have raised the demand towards damages. She fairly submitted that subsequently a High Level Review Committee of CMRL had resolved to give free access to the petitioners with certain conditions and accordingly decided to remove the obstructions. In the light of the said resolution, the impugned order demanding a sum of Rs.2,01,37,093/- was also recalled by the respondents /CMRL.

5. Heard learned counsel on either side and perused the materials placed on record.

6. It is not in dispute that the petitioners are the shop owners of the said multi-storied building and their lands were acquired by CMRL for purpose of laying underground tunnel, tracks and stations. It is an undisputed fact that after effecting proper acquisition proceedings, Award was passed and thereby, petitioners have received their share of compensation from CMRL, in the year 2011. Admittedly, the frontage of the building of the petitioners was blocked and thereby they are deprived to access freely to entry/exit point. On a bare perusal it reveals that the said access was blocked by CMRL for carrying out their maintenance and inspection etc. and they are the sole owner of the property.



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7. Be that as it may. the writ petition is the off-shoot of the demand made by CMRL, which, it is alleged had blocked the ingress and egress of the petitioner to their property. However, when the matter is taken up, learned counsel for CMRL fairly submitted that the demand has since been recalled by the High Level Committee, which was constituted and the High Level Committee had resolved to grant free access to the petitioners to their property with certain conditions. In view of the above development, it is submitted that nothing survives for further adjudication in this matter.

8. Recording the aforesaid statement made by the learned counsel for CMRL, the demand itself having been recalled and the petitioners are provided with free conditional ingress and egress to their property, no further order is required to be passed in the present petition. Accordingly, the present petition is closed in terms of the resolution of CMRL. No costs. Consequently, connected miscellaneous petitions are closed.

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vsi2

M.DHANDAPANI, J.



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vsi2

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Index: Yes/No

Internet: Yes/No

Speaking Order/Non-Speaking Order

To

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Planning and Development and
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