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W.P.No.35853 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.06.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.35853 of 2019

And

W.M.P.Nos.36757 to 36759 of 2019

A.Keerthi

... Petitioner

Vs.

1.The District Revenue Officer
Chennai Metro Rail Limited
CMRL Depot, Admin Building,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.

2.The Estate Officer and Joint General Manager (JGM),
Chennai Metro Rail Limited,
CMRL Depot, Admin Building,
Poonamallee High Road,
Koyambedu,
Chennai – 600 107.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records of the impugned demand notice in Rc.No.Est/D.N/Land-Phase-I/06/2019 dated 13.12.2019 of the second respondent and quash the same and



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consequently forbear the respondents from blocking access to petitioner from Jawaharlal Nehru Street to petitioner's property at T.S.No.14/3A, 14/3B, Puliyur Village, Block No.1, Egmore Nungambakkam Village.

For Petitioner : Mr.L.Jai Venkatesh
For Respondents : Mrs.Rita Chandrasekaran
for M/s.Jayesh B.Dolia

ORDER

This writ petition has been filed to quash the demand issued by the second respondent in Rc.No.Est/D.N/Land-Phase-I/06/2019 dated 13.12.2019 of Rs.1,03,56,891/- (Rupees One Crore Three Lakhs Fifty Six Thousand Eight Hundred and Ninety One Only) as Lease Charges and consequential direction to forbear the respondents from blocking access to petitioner from Jawaharlal Nehru Street to petitioner's property at T.S.No.14/3A, 14/3B, Puliyur Village, Block No.1, Egmore Nungambakkam Village.

2.It is the case of the petitioner that she is the owner of the property situated at T.S.No.14/3A, 14/3B, Puliyur Village, Block No.1, Egmore Nungambakkam Village and a part of her land was acquired by

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Chennai Metro Rail Ltd for the purpose of erecting Arumbakkam Metro Rail Station. 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 23.12.2011, thereby petitioner received her share of compensation. Though the said land was acquired in the year 2011, the task was not completed by CMRL and the petitioner was put to immeasurable hardship. While so, CMRL has blocked the ingress and egress of the petitioner to the property and has passed the impugned order, demanding a sum of Rs.1,03,56,891/- for the usage of land as lease damages. Challenging the said demand, the instant petition has been filed by the petitioner.

3.The learned counsel appearing for the petitioner submitted that though the petitioner's land was acquired by CMRL, they have not carried out the same and moreso, the ingress and egress to her property was blocked. In such a scenario, CMRL, has 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, he prays for setting aside the said impugned order.



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4.The learned counsel appearing for the respondents submitted that admittedly, petitioner's property was acquired by CMRL and compensation had been settled to the petitioner, whereas the 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 petitioner with certain conditions. In the light of the said resolution, the impugned order demanding a sum of Rs.1,03,56,891/- 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 petitioner is the owner of the subject property and a part of her land was acquired by CMRL for purpose of erecting Arumbakkam Metro Rail Station. It is an undisputed fact that after effecting proper acquisition proceedings, Award was passed and thereby, petitioner received her share of compensation from CMRL, in the year 2011. Admittedly, the petitioner is deprived from free access to her property. On a bare perusal it



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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.

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 her property. However, when the matter is taken up, the learned counsel appearing 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 petitioner to her 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 appearing for CMRL, the demand itself having been recalled and the petitioner is provided with free conditional ingress and egress to her 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.



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9.The writ petition is closed. No costs. Consequently, the connected miscellaneous petitions are also closed.

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Speaking Order/ Non Speaking Order
Index: Yes/ No
Internet: Yes/ No

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