



W.P.No.1030 of 2024

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 13.02.2024

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THE HONOURABLE MR. JUSTICE P.VELMURUGAN

**W.P.No.1030 of 2024 and
W.M.P.No.1080 and 2830 of 2024**

K.C.Jayabalan

...Petitioner

Versus

1. The Managing Director,
(CMRL) Chennai Metro Rail Ltd.,
Nandanam, Chennai.
2. The District Revenue Officer (Design)
(CMRL) Chennai Metro Rail Ltd.,,
Nandanam, Chennai.
3. The District Revenue Officer,
Land Acquisition ((CMRL) Chennai Metro Rail Ltd.,,
Nandanam, Chennai.
4. The Deputy Collector,
Thuraipakkam Range,
(CMRL) Chennai Metro Rail Ltd.,,
Nandanam, Chennai.
5. The Tahsildar,
Land Acquisition,
(CMRL) Chennai Metro Rail Ltd.,,
Nandanam, Chennai.

...Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus forbearing the respondents from acquiring the land in S.No.263/28, 263/29 extent 5554 sq.ft. situated at Okkiyam Thoraipakkam Village, Sholinganallur Taluk, Chennai District considering the representation made by the petitioner on 28.08.2023, within the time to be stipulated by this Court.

For Petitioner : Mr.R.Chandrasekaran

For Respondents : Mr.T.Arunkumar,
Addl. Government Pleader for RR2 to 5

Mr.P.S.Raman, Advocate General
Assisted by Mrs.Rita Chandrasekar,
Standing Counsel for CMRL R1

ORDER

It is the grievance of the writ petitioner that CMRL has proposed to acquire his land in S.No.263/26 an extent of 300 Sq.Mtrs and 263/29 extent of 216 sq.mtrs and even after his representation to drop the acquisition there was no response from the respondents and hence the present writ petition.

2 According to the learned counsel for the writ petitioner within a very short distance i.e. 50 meters from the acquired land, Government land is very much available and private vacant land is also available. But, there is multi storied building in the petitioner's land and if the acquisition is permitted to go,



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the building will get damage and the petitioner will be put in great loss.

Therefore, without disturbing the petitioner's land and the multi storied building constructed therein, the CMRL can re-align the land.

3 Learned Advocate General would submit that out of total extent of 2,350 sq.mts of land, only 516 sq.mts i.e. 21.95% alone has been notified for the purpose of formation of No.36 P.T.C. Colony Metro Station in Phase – II of Chennai Metro Rail Project. Further already mining works started within the narrow space and already experts offered their opinion stating that it is not possible for them to re-align.

4 The learned Advocate General has placed reliance on the orders of the ***Hon'ble First Bench of this Court in W.P.No.14998 and 5633 of 2023 dated 04.07.2023***, wherein it is stated that as experts have given their opinion, it will not be possible to sit over the decision of the experts and pass any further orders. In this case also, already earth works started in the narrow space and experts also told that there is no possibility for re-alignment. Further the petitioner will be paid compensation twice the guideline value through quick payment mode.



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5 Heard the learned counsel for the petitioner and the learned Advocate General for the first respondent CMRL and perused the materials available on record.

6 In view of the above submissions made by the learned Advocate General that as per the expert's opinion re-alignment is not possible and as the Hon'ble First Bench opined that it is not possible to sit over the decision of the experts, the relief sought for by the petitioner cannot be granted.

7 Hence the writ petition shall stand dismissed. However, the respondents are directed to extend their all possible co-operation to the writ petitioner. Consequently connected miscellaneous petitions are closed. No costs.

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Index: Yes/No

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P.VELMURUGAN, J.,

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