



WEB COPY

W.P. No.1112 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2024

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. No.1112 of 2024 and
W.M.P. Nos.1166 and 1167 of 2024

P.V.Nagarajan

... Petitioner

Vs.

1. The District Collector
Chennai District
Rajaji Salai, Fourth Floor
62, Beach Road, George Town
Chennai – 600 001
2. The Revenue Divisional Officer cum
Land Acquisition Officer
South Chennai Revenue Division
Guindy, Chennai – 600 032
3. The Managing Director
Chennai Metro Rail Limited
Admin Building, CMRL Depot
Poonamallee High Road
Koyambedu, Chennai – 600 107
4. The Special District Revenue Officer
(Land Acquisition)
Chennai Metro Rail Limited
Admin Building, CMRL Depot
Poonamallee High Road
Koyambedu, Chennai – 600 107

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India,



to issue a Writ of Certiorarified Mandamus calling for the records of the impugned notice in Na.Ka.No.005/LA/CMRL/2021 dated 08.12.2023 issued by the 4th respondent to the petitioner and quash the same and consequently, direct the 4th respondent to provide an opportunity to the petitioner to produce all particulars regarding the valuation of the land and building situated in S.No.153, Adambakkam Village for determination of compensation under Section 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 by following the provisions of the said Act and also the applicable provisions of determination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

For Petitioner : Mr.Premchandar.R

For R1, R2 and R4 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

For R3 : Mr.K.Karthikeyan
Government Advocate (HR & CE)

ORDER

This Writ Petition is filed seeking issuance of a Writ of Certiorarified Mandamus calling for the records of the impugned notice in Na.Ka.No.005/LA/CMRL/2021 dated 08.12.2023, issued by the 4th respondent to the petitioner and quash the same and consequently, direct the 4th respondent to provide an opportunity to the petitioner to produce all particulars regarding the valuation of the land and building situated in S.No.153, Adambakkam Village, for determination of compensation under



Section 7(3) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (for brevity 'the Act') by following the provisions of the said Act and also the applicable provisions of determination of compensation under the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

2. The learned counsel for the petitioner submitted that though the land in question was notified for industrial purpose, however the authorities have not followed the mandatory provisions of Section 7 of the Act. Though they summoned the petitioner, they did not give any opportunity to arrive at the compensation and after determining the compensation, they sent summons only for collecting the Award amount. They neither had any private negotiation, nor followed the procedures in the manner known to law and without following the procedures, they arbitrarily arrived at a compensation and informed the petitioner to come and collect it, which is a violation of principles of natural justice and also mandatory provision in the statute. Therefore, the impugned summons have to be quashed.

3. The learned Standing Counsel appearing for the 3rd respondent submitted that already the notification has been issued in accordance with law and the petitioner was also summoned more than once and the petitioner was asked to submit his objections if any, however, the petitioner did not submit as



promised by him. Even thereafter, he sent his objections, which was duly considered. Subsequently, summons were issued to produce all the documents related to title and other document regarding his entitlement for private negotiation and unless the petitioner comes and produce all the related documents, private negotiation cannot be conducted and even till date, the petitioner has not co-operated for the negotiation and so far, the compensation has not been determined. It is only summons to appear before the competent authority for negotiation but he has challenged the summons themselves and therefore, there is no cause of action and the writ petition is liable to be dismissed.

4. Heard and perused the materials available on record.

5. Admittedly, the notification was published, but it is for the public purpose and the summons were also sent under Section 7 (1) of the Act. Though the petitioner appeared, he had not submitted any objection and he later sent his objection. Thereafter, he was also asked to appear before the competent authority with related documents for negotiation. But without going for negotiation, the petitioner has got some apprehension and therefore, he rushed to the Court. However, till now, according to the respondents, the compensation has not been determined.

6. Therefore, the respondents are directed to send fresh summons to the



petitioner by fixing a particular date and place for enquiry and on receipt of the same, the petitioner should appear before the respondents without any delay and on his appearance, the respondents are directed to conduct enquiry and pass orders on merits in accordance with law. In case the petitioner fails to appear on the date of enquiry, the petitioner will lose all his rights of ordeal for the enquiry. The said exercise shall be completed with a period of one month from the date of receipt of copy of this order.

7. With the above directions, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petitions are closed. There shall be no order as to costs.

23.01.2024

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Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No



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P.VELMURUGAN. J.

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