



WEB COPY



W.P.Nos.2346 & 2349 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2024

CORAM

THE HON'BLE MR. JUSTICE P.VELMURUGAN

W.P.Nos.2346 and 2349 of 2024

and

W.M.P.Nos.2536 & 2537 of 2024

W.P.No.2346 of 2024

K.Raji ... Petitioner in W.P.No.2346 of 2024

P.Sekar ... Petitioner in W.P.No.2349 of 2024
Vs.

1 The Special District Revenue Officer (LA),
Chennai Metro Rail Limited,
Nandanam, Chennai-035.

2 The Chennai Metro Rail Ltd
Rep by its Chairman,
Admin Building CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai-107.

3 Sree.Rathna Vinayakar and
Sri Duirgai Amman Devasthanam,
Rep by its Executive Officer,
Whites Road, Royapettah, Chennai.

[R3-suo motu impleaded as per order
dated 02.02.2024] ... Respondents in both the W.Ps



W.P.Nos.2346 & 2349 of 2024

WEB COPY

PRAYER in W.P.No.2346 of 2024: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus Calling upon the 1st and 2nd respondents to consider the representation of the petitioner dated 06/01/ 2024 in respect of providing compensation for the superstructure under various heads of compensation available to the petitioners being the owner of the superstructure under the provisions of the Right to fair Compensation and Transparency in Land Act 2013 in respect of the property being superstructure situated in Old Door No.19 New Door No.43 Whites Road Royapettah Chennai- 600 014 forming a part of Survey No.328/4 , Triplicane Village superstructure of a total extent of 1511 Square feet comprising of ground floor-2 shops plus 1 godown and 1st floor comprising of 1 residential portion part of the acquired land of an extent of 167 square meters, comprised in Town Survey No.328/4(Part), Block No.11, situated in triplicate village, Mylapore taluk, Chennai District acquired for the purpose of No.20-Thousand Lights Metro Station by the first respondent under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999).

PRAYER in W.P.No.2346 of 2024: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus to direct the 1st and 2nd respondents to consider the representation of the petitioner dated 06/01/ 2024 in respect of providng compensation for the



W.P.Nos.2346 & 2349 of 2024

superstructure under various heads of compensation available to the petitioners being the owner of the superstructure under the provisions of the Right to Fair Compensation and Transparency in land Acquisition Rehabilitation and Resettlement Act 2013 in respect of the property being superstructure situated over the land of an extent of 167 Square metres Comprised in Town survey No328/4 (part) Block No.11 Situated in triplicate village Mylapore Taluk , Chennai District acquired for the purpose of No.20- Thousand Lights Metro Station by the 1st respondent under the provisions of the Tamil Nadu Acquisition of Land for Industrial Purposes Act 1997 (Tamil Nadu Act 10 of 1999).

For Petitioners : Mr.A.Palaniappan

For R1 : Mr.T.Arunkumar
Additional Government Pleader

For R2 : Mr.P.S.Raman, Advocate General
Assisted by
Mrs.Rita Chandrasekar,
Standing Counsel for CMRL

For R3 : Mr.N.R.R.Arun Natarajan
Special Government Pleader (HR&CE)



WEB COPY



W.P.Nos.2346 & 2349 of 2024

COMMON ORDER

This Writ Petitions have been filed to issue a Writ of Mandamus to direct respondents 1 and 2 to consider the petitioners' representation, dated 06/01/ 2024.

2. Heard the learned counsel appearing for the petitioners, the learned Advocate General, Additional Government Pleader and Special Government Pleader appearing for the official respondents and perused the materials available on record.

3. Learned counsel for the petitioners submitted that the land in question was acquired by the respondents under the Highways Act. The petitioners are the owners of the superstructure. Without paying the compensation to the petitioners, the first respondent deposited the amount before the competent civil Court.

4. The learned Additional Government Pleader appearing for the respondents submitted that the property in question belongs to the



W.P.Nos.2346 & 2349 of 2024

WEB COPY

Temple and the petitioners did not have any right over the same. Already the Award amount was deposited before the Civil Court.

5. Since the land was acquired by the first respondent and Award was also passed and quantum was also arrived at and since there is a dispute between the petitioners and the third respondent, therefore the first respondent deposited the Award amount before the Civil Court. Since already amount was deposited before the Civil Court, the Writ Petition is dismissed as having become infructuous. However, the petitioners are at liberty to workout their remedy before the Civil Court in the manner known to law.

5. With the abovesaid direction, the Writ Petitions are disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

27.02.2024

mfa

Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



WEB COPY



W.P.Nos.2346 & 2349 of 2024

To

- 1 The Special District Revenue Officer (LA),
Chennai Metro Rail Limited,
Nandanam, Chennai-035.
- 2 The Chennai Metro Rail Ltd
Rep by its Chairman,
Admin Building CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai-107.
- 3 Sree.Rathna Vinayakar and
Sri Duirgai Amman Devasthanam,
Rep by its Executive Officer,
Wites Rroad, Royapettah, Chennai.



WEB COPY



W.P.Nos.2346 & 2349 of 2024

P.VELMURUGAN, J.

mfa

W.P.Nos.2346 and 2349 of 2024
and
W.M.P.Nos.2536 & 2537 of 2024

27.02.2024