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W.P.No.2643 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.2643 of 2019
and WMP.No.2928 of 2019

1.ThaiKa Muhammed Hussain
2.ThaiKa Aysha Fathimuthu Zahra

... Petitioners

Vs.

1.The Special Tahsildar,
Land Acquisition Chennai District- Unit-I,
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai 600 107.

2.The Chairman & Managing Director,
Chennai Metro Rail Ltd.,
Admin Building, CMRL Depot,
Poonamallee, High Road,
Koyambedu, Chennai 107.

3. The District Collector,
Chennai District, Chennai.
(R3 Suo-Motu impleaded vide order
dated 10.03.2024)

... Respondents

Writ Petition filed under Article 226 of Constitution of India, for
issuance of a Writ of Mandamus, directing the respondent to consider the



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petitioners representations dated 11.06.2012, 03.04.2017, 08.05.2018 & 16.07.2018 and to refer the matter for enhancement of compensation to the appropriate court without any further delay.

For Petitioners : Mr.K.Mahalingam

For R1 : M/s.K.Surendran
Addl.Govt.Pleader

For R2 : M/s.Rita Chanrasekaran
for M/s.Jayesh B.Dolia

ORDER

The petitioner has filed this petition seeking direction to the respondent to consider the petitioners representations dated 11.06.2012, 03.04.2017, 08.05.2018 & 16.07.2018 and to refer the matter for enhancement of compensation to the appropriate court .

2. The case of the petitioners is that the petitioners are the joint owners of the properties bearing lands and building comprised in S.Nos.5637/1, 5637/2, 5637/3 and 5637/4 totally to an extent of 6678 sq.ft. in Block No.49, situated at George Town, Broadway High Road, North East Taluk, Tonndairpet, Chennai District. The above said lands was acquired by the respondent for the purpose of formation of Chennai



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Metro Rail Ltd., an Award was passed on 08.12.2011 vide Award No.2/2011 of the Land Acquisition Special Tahsildar, Revenue Department, as per the award a sum of Rs.4,22,36,955/- was awarded as compensation and the same was deposited before the City Civil Court. The respondent has issued notice dated 14.05.2012 to the petitioners under Section 30 & 31(2) of the Land Acquisition Act, 1894. On receipt of the notice dated 14.05.2012, the petitioners sent a requisition on 11.06.2012 for enhancement of compensation. However, the respondent has not considered the same.

3. It is the further case of the petitioners that the petitioners have filed a petition before the City Civil Court for enhancement of compensation. On 24.02.2017 with an additional prayer for interest for the period from the date of award to the date of payment of compensation. Thereafter, the petitioners sent another representation to the respondent on 03.04.2017 for enhancement of compensation. However, there is no response from the respondent. Hence the petitioners have filed the present writ petition before this Court.



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4. The learned counsel appearing for the petitioners would submit that the market value of the property on the date of taking over possession by the respondent from the petitioner on 12.10.2011 was on the higher side i.e. Rs.4 Crore per ground which is Rs.16,667/- per sq.ft. but the respondent was awarded a compensation of Rs.4,328/- per sq.ft. which is very meager. Further, the petitioners issued a legal notice to the respondent on 28.08.2018 for enhancement of compensation. On receipt of the legal notice dated 28.08.2018, till date, the respondent did not consider the representation of the petitioners. The learned counsel for the petitioner would further submit that the District Collector, Chennai, is the competent authority.

5. The learned Additional Government Pleader appearing for the respondents would submit that the appropriate authority to consider the representation of the petitioners for enhancement of compensation is the District Collector, Chennai District, Chennai but he is not a party in the present writ petition.



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6. Considering the above that the District Collector, Chennai District is not a party in the present case, the District Collector, Chennai, is suo-motu impleaded as a party-respondent namely the third respondent.

7. Under such circumstances, the petitioners are directed to give a fresh representation to the third respondent namely, the District Collector, Chennai District, Chennai, within a period of two weeks from today. On such receipt of the same, the third respondent is directed to consider the representation of the petitioners and pass appropriate orders on merits, in accordance with law, within a period of six weeks thereof.

8. This Writ Petition is disposed of with the aforesaid observation and direction. No costs. Consequently, connected miscellaneous petition is closed.

10.06.2024

Internet : Yes/No

Index: Yes/ No

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J.SATHYA NARAYANA PRASAD,J.

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To

- 1.The Special Tahsildar,
Land Acquisition Chennai District- Unit-I,
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Admin Building, CMRL Depot,
Poonamallee High Road,
Koyambedu, Chennai 600 107.
- 2.The Chairman & Managing Director,
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