



W.P.No.13475 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.07.2024

CORAM :

THE HONOURABLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.13475 of 2019

and

W.M.P.No.13582 of 2019

1.M.Akber Hussain

2.M.Akther Hussain

... Petitioners

Vs.

1.The Special Tahsildar,
Land Acquisition,
CMRL, Depot Administration Buildings,
Poonamallee High Road,
Koyambedu, Chennai – 600 092.

2.The Managing Director,
Chennai Metro Rail Limited,
CMRL, Department Administrative Buildings,
Poonamallee High Road,
Koyambedu, Chennai – 600 092.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the second respondent to consider the petitioner's representation dated 12.02.2019 within the stipulated time.



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For Petitioners : Mr.Mounaswamynathan
For Respondents :
For R1 : Mr.K.Suresh
Government Advocate
For R2 : M/s.Rita Chandrasekar

ORDER

This Writ Petition has been filed seeking for issuance of a mandamus, to direct the second respondent to consider the petitioner's representation dated 12.02.2019.

2. The brief facts of the case are as follows:-

2.1. The petitioners are the owners of the subject matter property in Old Survey No.2285 (Part) and Re-Survey No.3121B (Part), bearing Collectors Certificate No.213, measuring to an extent of 4,800 sq.ft., at Municipal Door No.872 (Old No.472), Poonamallee High Road, Chennai – 600 010. The subject matter property was originally owned by one S.V.Matha Prasad. Thereafter, he sold the property to the petitioners father M.Abdul Halim vide Doc.No.1467/1988 registered in the Sub Registrar Office, North Madras. The said M.Abdul Halim died in the year 1998. After the demise of their father, the petitioners have entered into a Partition Deed dated 22.06.2012. Later on, the



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Chennai Metro Rail Limited acquired the land in Block No.51, T.S.No.3121/4 (Part) and New No.3121/36 by Reference No.155/LND/CMRL 2010 dated 04.09.2013. By Award No.12/2011 (Chennai Unit-1) dated 25.05.2012, the Land Acquisition Officer stated that either the land owner or any other interested person not turned up for enquiry and produced the documents to prove ownership and apportionment. Hence, the compensation amount for the acquired land was kept under Revenue Deposit till the land owners appeared and proved their ownership and apportionment. Thereafter, the petitioners have proved their ownership before the Civil Court and the Civil Court passed decree and the award amount was deposited in the Court Treasury, which was made over to the petitioners. The petitioners have filed L.A.O.P.No.27 of 2016 and L.A.O.P.No.28 of 2016, seeking endowment, which are pending on the file of the VI Assistant City Civil Court, Chennai.

2.2. The further case of the petitioners is that out of the total extent of 4,800 sq.ft., of land, leaving 774 sq.ft., of land, the second respondent acquired 4,026 sq.ft. of land for the purpose of Metro Rail Project. On the balance 774 sq.ft., of land, the second respondent illegally trespassed into the petitioners property in Block No.51, T.S.No.3121/4 (Part) and New No.3121/36. In regard to this, the petitioners sent a Legal Notice on 10.06.2015, asking damages for



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the use and occupation of 774 sq.ft. of land from the date of the Award i.e., 25.05.2012. In reply, by Letter dated 30.06.2015, the first respondent confirming the temporary occupation of land by the Chennai Metro Rail Limited, requested the petitioners to send the registered purchase documents directly to the second respondent. On that, the petitioners sent all the particulars to the second respondent on 19.08.2015. Till date, no reply is forthcoming by the second respondent for payment of rent of the balance 774 sq.ft. of land. The petitioners have sent another Legal Notice to the respondents on 28.07.2017. They have also sent representation dated 12.02.2019 to the respondents, which was received by the respondents on 28.02.2019. However, since no response is forthcoming, the petitioners are constrained to approach this Court seeking for a direction to the second respondent. Hence the writ petition.

3. Learned counsel appearing for the petitioners submitted that the petitioners have given representation dated 12.02.2019 to the respondents and the same is not disposed of till date.

4. In view of the above submission made by the learned counsel appearing for the petitioners, without going into the merits of the case, the second respondent is directed to consider the representation dated 12.02.2019 of



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the petitioners, on merits, in accordance with law and pass appropriate orders

within a period of four weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above directions. No costs.

Connected Writ Miscellaneous Petition is closed.

10.07.2024

Index : Yes/No

Internet : Yes/No

Speaking Order/Non-Speaking Order

Neutral Citation : Yes/No

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J.SATHYA NARAYANA PRASAD, J.

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To

1.The Special Tahsildar,



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