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W.P.Nos.25067 & 25068 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.02.2024

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.25067 & 25068 of 2018

and

W.M.P.Nos.29130 & 29131 of 2018

Mrs.Maimoon Jamal

... Petitioner in
W.P.No.25067/2018

M/s.Buhari Sons Pvt.Ltd.,
Rep.by its Director Mr.M.B.Haja.

... Petitioner in
W.P.No.25068 of 2018

Vs.

1. State of Tamil Nadu,
Rep. by Principal Secretary to Government,
Revenue (LD-1 (1) Department,
Fort St. George, Secretariat,
Chennai-9.

2. The District Collector,
Chennai District,
Singaravelar Maaligai,
Rajaji Salai, Chennai-1.

3. Chennai Metro Rail Limited,
Rep. by its Managing Director,
C.M.R.L.Depot, Admin Building,
Poonamallee High Road,
Koyambedu, Chennai-107.



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4. The Administrator General And
Official Trustee Of Tamil Nadu (AG and OT),
High Court Campus, Chennai-600 104.

(R4-suo motu impleaded as per order dated 11.01.2024 in
WP.25067/2018 by SMSJ) ... Respondents
in both W.Ps.

Common Prayer :- Writ petition filed under Article 226 of the
Constitution of India praying for issuance of a writ of Mandamus,
directing the 3rd respondent or their men or agent acting on behalf of them
to pay the reasonable and adequate compensation forthwith to the
petitioner along with reasonable interest at the rate of 12% per annum
from 23.7.2014, the date on which the possession was taken from the
petitioner.

For Petitioners in
both the W.Ps. : Mr.J.Raja Kalifulla, Senior Counsel for
Mr.M.Abdul Nazeer

For Respondents in
both the W.Ps. : Mr.T.Arun Kumar,
Additional Government Pleader
(for R1 & R2);

Mr.P.S.Raman, Advocate General,
assisted by Mr.Aditya Chandra Mouli,
for M/s.Aiyar C.Dalia (for R3);

Mr.M.Jagadheesan,
Additional Deputy Advocate General
(for R4);

Mr.S.V.R.Ram Prasad,
co-trustee for R.S.R.M. Chetty Trust.



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COMMON ORDER

The writ of mandamus has been instituted to direct the 3rd respondent to pay the reasonable and adequate compensation forthwith to the petitioners along with the interest at the rate of 12% per annum from 23.07.2014.

2. The lands comprised in T.S.No.41 in Block No.VII of Vepery Village along with the adjacent properties in T.Survey No.43/2 in Block No.VII Vepery Village, Chennai-3, were acquired by the Government of Tamil Nadu for developing Chennai Metro Rail Project in Chennai City. The 3rd respondent Chennai Metro Rail Ltd. was directed to settle compensation in favour of the land owners. The petitioners claim that they were in occupation of the portion of the building and therefore, they are entitled for structural compensation as per the new Land Acquisition Act.

3. The Chennai Metro Rail Ltd. (C.M.R.L.) conducted an inquiry. They have received an objection from the 4th respondent Administrator General and Official Trustee of Tamil Nadu, on the ground that the property vest with the Administrator General and Official Trustee of



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Tamil Nadu (AG and OT) and therefore, the compensation cannot be settled in favour of the writ petitioners.

4. On receipt of the objections, the Chennai Metro Rail has kept all further actions in abeyance. Though the Hon'ble Supreme Court of India, on earlier occasion directed the C.M.R.L. to settle the compensation in favour of the land owners and the owners of the super structure, the C.M.R.L. is not in a position to settle the compensation on account of the objections raised by the A.G. and O.T.

5. A.G. and O.T., appearing before this Court would submit that the entire super structure, in the acquired property, also belongs to the Trust and being administered by A.G. and O.T. Therefore, the petitioners are not at all entitled for any compensation even for superstructure.

6. Admittedly, LAOP proceedings are pending before the competent Court. Such disputed facts are to be adjudicated with reference to the documents and evidences available on record. The right of the petitioners to seek compensation is to be determined after complete adjudication of facts based on the documents and evidences. High Court cannot conduct a roving enquiry in respect of such disputes in a writ proceedings, under



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Article 226 of the Constitution of India. Thus, all such issues are left open to the parties for adjudication before the LAOP Court, in the pending proceedings or any further proceedings initiated in this regard.

7. As far as the compensation determined by the C.M.R.L. is concerned, the said compensation amount is to be now paid to the A.G. and O.T., who in turn is entitled to adjust the rental arrears due to the Trust and the balance amount is to be kept in the account of the A.G. and O.T. After resolving the disputes relating to structural compensation and land compensation including enhancement of compensation, the amount is to be settled accordingly.

8. It is not in dispute that the subject property has already been taken over by the Chennai Metro Rail Project and the rail project is in progress. That being so, the Chennai Metro Rail Ltd./ 3rd respondent is directed to pay the determined compensation in favour of the 4th respondent A.G. and O.T., who in turn is directed to adjust the rental arrears till the date, on which the occupants were in possession of the building, and the balance amount, if any, is directed to be kept in the accounts of the A.G. and O.T. till such time, the disputed issues between



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the parties are resolved. Thereafter, the compensation as apportioned, if any, is to be disbursed to the respective beneficiaries as the case may be.

9. Mr.S.V.R.Ram Prasad, appearing on behalf of A.G. and O.T. would submit that the compensation amount to be paid by the C.M.R.L. will be kept in an interest bearing deposit and any request made by the petitioners may be considered on merits and in accordance with law.

10. Accordingly, the writ petitions are disposed off. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes
Speaking Order
Neutral Citation : Yes
(sha)

To



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S.M.SUBRAMANIAM. J.,

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