



WEB COPY

W.P.No.19636 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2024

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.No.19636 of 2020

and

W.M.P.No.24266 of 2020

1.S.Indira

2.J.Kala

3.C.Sathya Narayanan

4.L.Thiyagarajan

... Petitioners

Vs.

1.The Secretary to Government,
Planning Development and Special
Institutions Department,
Fort St. George,
Chennai – 600 009.

2.The Managing Director,
Chennai Metro Rail Limited,
Harini Towers,
No.7, Canran Smith Road,
Gopalapuram, Chennai – 600 086.



3.The District Collector,
Chennai District,
Singaravelar Maligai,
Chennai – 600 001.

4.The District Revenue Officer
Cum Project Officer,
Chennai Metro Rail Limited,
No.11/6, Seethammal Salai,
Alwarpet, Chennai – 600 018.

5.The Special Tahsildar (Land Acquisition),
Chennai Metro Rail Limited (CMRL),
Harini Towers,
No.7, Cornan Smith Road,
Gopalapuram, Chennai – 600 086.

6.The District Collector,
Thiruvallur District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondents in Na.Ka.No.1762/2017/A1 dated 28.10.2017 and 09.07.2018 and quash the same and direct the respondents to pay compensation to the petitioners for acquiring their land to an extent of 3950 sq.ft in Survey No. 55/1, 56/1, 57/1, 135, 136 in ward-I, Block-13, Thiruvottriyur High Road, Thiruvottriyur Taluk, Village, Thiruvallur District and also direct the respondents to provide access to the petitioners remaining land.



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For Petitioners	: Mr.R.Mubarak Basha
For R1, R3, R5 & R6	: Mr.A.Selvendran Special Government Pleader
For R2 & R4	: Mr.Aditya Chandra Mouli For M/s.Aiyar and Dolia Standing Counsel [For CMRL]

ORDER

[Order of the Court was made by **S.M.SUBRAMANIAM, J.**]

The notice issued under Section 7 and the consequential order under Section 6 by the Tahsildar, Thiruvottriyur are under challenge in the present writ petition.

2. After issuing notice under Section 7, an opportunity was afforded to the alleged encroachers. Thereafter, Section 6 order has been passed. An order passed under Section 6 is susceptible to an Appeal under Section 10 of the Tamil Nadu Land Encroachment Act, 1905. Thus, the aggrieved person is at liberty to submit an appeal before the District Collector within a period of 10 days from today. On receipt of any such Appeal, the District Collector shall conduct an enquiry and pass appropriate orders. In the event of



identification of encroachments, the encroachers are directed to be removed.

The entire exercise is directed to be completed within a period of 12 weeks from the date of receipt of a copy of this order.

3. It is made clear that if the District Collector came to a conclusion that the subject land is Government land, encroachers are not entitled for the compensation for the land. However, compensation is to be granted for the superstructures, if any constructed by the persons.

4. In this regard, it is for the aggrieved persons to establish the same and after ascertaining the facts in detail all necessary actions are to be initiated. The Chennai Metro Rail Limited (CMRL) is also at liberty to contest the case before the District Collector in the event of preferring an Appeal by the petitioner under Section 10 of the Tamil Nadu Land Encroachment Act, 1905.



5. With this liberty, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

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[S.M.S., J.] [K.R.S., J.]

12.03.2024

(1/2)

Jeni

Index : Yes

Speaking order

Neutral Citation : Yes

To

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