



WEB COPY



W.P.No.25546 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.10.2024

CORAM

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P.No.25546 of 2024

L.Roshan Lachman Mirpuri

... Petitioner

VS.

1.The Thasildhar,
Chennai Metro Rail Limited,
Nandhanam,
Chennai 600 035

2.The Special District Revenue Officer (Land Acquisition),
Chennai Metro Rail Limited,
Nandanam,
Chennai 600 035

3.Nageswara Rao

4.Chennai Metro Rail Limited (CMRL)
No.327, Anna Salai, Nandanam,
Chennai 600 035.

... Respondents

*(R4-Impleaded as per order dated 18.09.2024 in
WMP.No.30059 of 2024 in W.P.No.25546 of 2024)*

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd Respondent to consider



W.P.No.25546 of 2024

the petitioner representation dated 14.02.2024 in survey number 167/1 (316/A) Arcot Road, Kodambakkam and consequently direct the 2nd Respondent not to take possession over the property belonging to the Petitioner without issuing notice to the Petitioner.

For Petitioner : Mr.B.Leelesh Sundaram
For R1 and R2 : Mr.D.Gopal
Government Advocate
For R4 : M/s.Rita Chandrasekar
Standing Counsel for CMRL

ORDER

The petitioner herein seeks issue of writ of Mandamus, directing the 2nd respondent to consider petitioner's representation dated 14.02.2024 pertains to his claim in respect of the property situated in S.No.167/1 (316/A) Arcot Road, Kodambakkam and consequently, direct the 2nd respondent not to take possession of the property from the petitioner without issuing notice to him.

2. It is the case of the petitioner that the subject property was purchased by him from one Siva under a registered Sale Deed dated



W.P.No.25546 of 2024

08.02.2013 vide Document No.407 of 2013. He inturn purchased the same from one K.Nandagopal under a registered Sale Deed dated 08.12.1987. The said K.Nandagopal inturn purchased the property from 3rd respondent herein under a registered Sale Deed dated 11.03.1987. It is stated by the petitioner that he has been in possession and enjoyment of the said property. However, the 2nd respondent initiated proceedings for acquisition of the subject property for the benefit of 4th respondent. After acquiring knowledge about the same, the petitioner submitted a representation dated 14.02.2024 before the 2nd respondent not to take possession of the subject property without issuing proper notice to the petitioner. The said representation has not been considered by the 2nd respondent till date. Hence, the petitioner is before this Court.

3. The learned Government Advocate appearing for the respondents 1 and 2 would submit that the subject property till dates stands in the name of 3rd respondent-Nageswara Rao in the revenue records. Therefore, all the communications regarding the land acquisition proceedings were addressed to the person in whose name the revenue records stands. It is further submitted that the compensation for the subject property was arrived at



W.P.No.25546 of 2024

Rs.37,51,418/- and the said amount was deposited before the Registrar, City Civil Court, Chennai on 20.11.2023 under Sections 76 and 77 of Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The reference has been taken on file as Original Petition No.254 of 2023 on the file of the City Civil Court, Chennai.

4. M/s.Rita Chandrasekar, learned Standing Counsel for CMRL appearing for the 4th respondent also submitted that quantum of compensation has been deposited before the City Civil Court, Chennai, in view of the dispute with regard to the person entitled to receive compensation and it is for the petitioner to move the concerned court to workout his remedy.

5. The learned counsel appearing for the petitioner submits that the petitioner has been in possession and enjoyment of the property, if the respondents take possession of the property without issuing notice to him, his right will be prejudiced.



W.P.No.25546 of 2024

6. In view of the same, the Official Respondents are directed to issue

prior notice to the petitioner at the time of taking possession.

7. With this direction, the Writ Petition stands disposed of. No costs.

21.10.2024

Index : Yes/No

Speaking order: Yes/No

Neutral Citation: Yes/No

dm

To

1. The Thasildhar,
Chennai Metro Rail Limited,
Nandhanam,
Chennai 600 035

2. The Special District Revenue Officer (Land Acquisition),
Chennai Metro Rail Limited,
Nandanam,
Chennai 600 035

3. Chennai Metro Rail Limited (CMRL)
No.327, Anna Salai, Nandanam,
Chennai 600 035.



WEB COPY



W.P.No.25546 of 2024

S.SOUNTHAR, J.

dm

W.P.No.25546 of 2024

21.10.2024