



WEB COPY



W.P. Nos.32120 of 2022 and batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2024

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THE HONOURABLE MR.JUSTICE S.SOUNTHAR

W.P. Nos.32120, 32125, 32126, 32127,
32130, 32135 and 32138 of 2022

and

W.M.P. Nos.31560, 31549, 31555,
31557, 31558, 31550, 31552, 31554, and 31573 of 2022

W.P. No.32120 of 2022:

1.Kausalya

2.Usharani

3.Asharani

4.S.Balamurugan

5.Rajalakshmi

... Petitioners

Vs.

1.Revenue Divisional Officer,
Chennai Central Division,
Chennai.

2.Special Tahsildar (L.A.),
Chennai Unit, Chennai Metro Rail Limited,
Chennai-600 017.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying to issue a Writ of Certiorarified Mandamus calling for the records



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relating to the enquiry notice issued in Na.Ka.No.A3/4480/2022 dated Nil.10.2022 by the Revenue Divisional Officer, the 1st Respondent herein to the petitioner on the basis of the petition submitted by the 2nd Respondent seeking to decide the title of the petitioners herein with respect to the property comprised in S.No.40/1 and situated in Nerkundram Village, Ambattur Taluk, Thiruvallur District in an extent of 1950 square meter which proceeding are initiated without authority of law and quash the same and forbearing the Revenue Divisional Officer, Central Chennai Division, Chennai, the 1st Respondent herein from any manner proceeding with the enquiry pursuant to the enquiry notice in Na.Ka.No.A3/4480/2022 dated Nil.10.2002 sent by the 1st Respondent herein to the petitioners.

For Petitioners : Mr.D.Krishna Pradeep
in all W.Ps. for Mr.N.Damodaran

For Respondents : Mr.A.Selvendran
in all W.Ps. Special Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the notices issued by the Respondents calling the petitioners for enquiry based on the application submitted by the 2nd Respondent dated 17.11.2022.

2. It is not in dispute that the subject property in all these writ petitions were acquired for the purpose of metro rail related work. It is also not in dispute that in view of the claim made by various persons on the subject properties, the Land Acquisition Officer referred the matter to the decision of the Civil Court



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under Sections 30 and 31(2) of the Land Acquisition Act, 1894, in L.A.O.P. Nos.15 to 25 of 2012 on the file of the Sub-Court, Poonamallee.

3. The said L.A.O.Ps were disposed of by recording the joint compromise memo dated 07.04.2014. It is further submitted that challenging the award passed by the Land Acquisition Tribunal recording the joint compromise, appeals have been filed by the 2nd Respondent in A.S.Nos.137 to 145 of 2021 batch and the same is pending before this Court.

4. In the meantime, the 2nd Respondent filed an application before the 1st Respondent raising certain dispute with regard to the person entitled to ownership over the subject property. When the matter is already referred to the Land Acquisition Tribunal under Sections 30 and 31(2) of the Land Acquisition Act to decide the dispute with regard to title, the 1st Respondent cannot go into the question of title and decide the persons entitled to right over the subject matter of acquisition. Admittedly, the reference under Section 30 and 31(2) of the Land Acquisition Act in L.A.O.P. Nos.15 to 25 of 2012, on the file of Sub-Court, Poonamallee had been disposed of by recording compromise in the presence of 2nd Respondent. The said order has not been challenged by 2nd Respondent so far. However, Ms.Rita Chandrasekar, learned counsel appearing for Metro Rails



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Limited, Chennai, requisitioning body submitted that requisitioning body has filed appeals challenging the order recording compromise in A.S.Nos.137 to 145 of 2021 batch cases before this Court. The said statement has not been disputed by the learned counsel for the petitioner and Special Government Pleader for Respondents. Hence, the enquiry initiated by the 1st Respondent through impugned notices is a futile exercise and therefore the same is liable to be quashed. Accordingly the writ petitions are allowed. It is for the parties to agitate their right in the pending civil litigation. No costs. Consequently, connected miscellaneous petitions are closed.

23.10.2024

Speaking (or) Non Speaking Order

Index : Yes/ No

Neutral Citation: Yes/No

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To:

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Chennai.

2.Special Tahsildar (L.A.),
Chennai Unit, Chennai Metro Rail Limited,
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S. SOUNTHAR, J.

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