



WEB COPY



W.P.No.37840 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2024

CORAM

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.37840 of 2024
and W.M.P.Nos.40906 and 40907 of 2024

L.Roshan Lachman Mirpuri

.. Petitioner

Vs.

1. Chennai Metro Rail Limited,
Represented by its District Revenue Officer,
Poonamallee High Road,
Koyambedu,
Chennai 600 107.

2. The Tahsildar,
Chennai Metro Rail Limited,
Nandhanam, Chennai 600 035.

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

4. Nageswara Rao

.. Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified mandamus, calling for the impugned order dated 18.11.2024 bearing number RC.No.1004/CMRL/LND/M(E) / 2024 passed by the 1st respondent and quash the same and the proceedings arising thereof and consequently directing the 1st and 3rd respondent to hold proper and fresh proceedings within the time frame as fixed by this Court.

For Petitioner : M.Rajeswaran

For Respondent-1: M/s.Rita Chandrasekar

For Respondents

2 and 3 : Mr.A.Selvendran
Special Government Pleader

ORDER

The petitioner challenged the order of vacation passed by the 1st respondent in this writ petition on the ground that the order of acquisition itself is under challenge.

2. It is the case of the petitioner that the subject land was originally owned by one Nageswara Rao, who had conveyed the same



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to one Nandagopal who in turn had sold the property to one Siva. The petitioner had purchased the property from the said Siva under a Sale Deed dated 08.02.2013.

3. It is the further case of the petitioner that the property was acquired by the 2nd respondent without proper notice. The order of acquisition should be deemed to be non-est in law since there is a total absence of show cause notice and there is nothing to show as to how the 2nd respondent had acquired the property. The notice has been issued to the previous owner/4th respondent and not to the petitioner and even in the impugned order, the 4th respondent has been shown as the owner.

4. The petitioner, aggrieved by the acquisition proceedings, had filed W.P.No.25546 of 2024 seeking a relief that the property should not be acquired without notice. This Court had taken note of the fact that all the communications had been addressed to the erstwhile owners since the revenue records stood in their names. Further, a



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compensation of Rs.37,51,418/- has also been deposited on the file of the Registrar, City Civil Court, Chennai on 20.11.2023. That apart, this Court had observed that before taking any decision, the petitioner has to be issued prior notice. Now, the order impugned is the notice of vacation that has been issued to the petitioner granting 7 days time to vacate and handover the possession of the subject property.

4. Heard Mr.M.Rajeswaran, learned counsel for the petitioner, M/s.Rita Chandrasekar, learned counsel who takes notice on behalf of the 1st respondent and Mr.A.Selvendran, learned Special Government Pleader for the respondents 2 and 3.

5. A copy of the Award was produced by Ms.Rita Chandrasekar, learned counsel for the 1st respondent and a perusal of the same would show that, while calculating compensation, the building has not been valued. Therefore, the above argument does not hold water. Further, in the earlier W.P.No.25546 of 2024, this Court had issued directions to the official respondents to issue prior notice to the petitioner before



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taking decision. The present notice is only in compliance of the said order. Therefore, no exception can be taken to the same. The Writ Petition therefore has to necessarily be dismissed.

6. At this juncture, the learned counsel for the petitioner had sought time to vacate the premises. With the consent of the learned Special Government Pleader appearing for respondents 2 and 3 and on instructions, the petitioner is granted 2 weeks' time from today to vacate and handover the possession of the subject property. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

19.12.2024

Index : Yes/No

Internet : Yes

srn

Note: Issue order copy on 20.12.2024

To

1. The District Revenue Officer,
Chennai Metro Rail Limited,
Poonamallee High Road,
Koyambedu,
Chennai 600 107.



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