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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-04-2025

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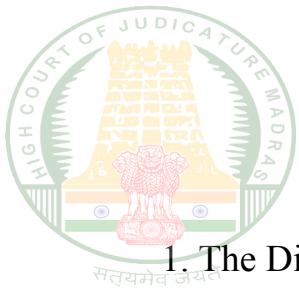
THE HONOURABLE MR JUSTICE N. ANAND VENKATESH

**WP No. 8479 of 2025
and WMP Nos. 9493, 9494 & 9495 of 2025**

1. T.Aathilingam
- 2.C.V. Nageswari
- 3.T.Jaya
- 4.B.Elavarasi
- 5.S.Ramesh
- 6.Udayakumar G
- 7.Ashok Kumar
- 8.R.S.Shanthi
- 9.D.Viswanathan
10. Mohanamala
- 11.S.Kabilavasudevan

Petitioner(s)

Vs



1. The District Revenue Officer
(Land Acquisition), No.327, CMRL
Metros, Anna Salai, Nandanam,
Chennai- 600 035.

2. The Chairman
Tamil Nadu Housing Board,
Anna Salai, Chennai-600 002.

3. The Executive Engineer
TNHB, Anna Nagar Division,
Anna Nagar, Chennai-40.

4. The District Revenue Officer (La and
Lo),
Chennai Metro Rail Limited,
Nandanam, Chennai.

Respondent(s)

(R4-suo Motu impleaded as per order dated 11.03.2025 in WP No.8479/2025)

PRAYER Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, Calling for records relating to the impugned Notice RC. 220/ 2025 dated 27-02- 2025 issued by Respondent herein, pursuant to Award C5/ 040/ 2023 dated 30.04.2024 passed by the 1st Respondent and quash the same and forbear the 1st respondent from in any manner acquiring the land measuring 207 sq.mt comprised in TS No.1, 2 and 3 in Block No.6 Villivakkam Village, Aminjikarai Taluk, Chennai District.



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For Petitioner(s): Mr.S.Rajendran

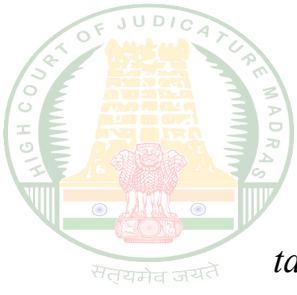
For Respondent(s): Mr. P. Sathish
Additional Government Pleader
for R1
Mr. A.M. Ravindranath Jayapal
Standing Counsel
for R2 and R3
Mr. B. Vijay
Standing Counsel
for R4

ORDER

This writ petition has been filed challenging the impugned notice dated 27.02.2025 issued by the 1st respondent and for a consequential direction to the respondents to forbear from acquiring the property.

2.When the writ petition came up for hearing on 11.03.2025, this Court passed the following order:

'The District Revenue Officer (LA & LO), Chennai Metro Rail Limited, Nandanam, Chennai' is suo motu added as 4th respondent in this writ petition.



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2.Mr.P.Sathish, learned Additional Government Pleader takes notice for the 1st respondent.

3.Mr.A.M.Ravindranath Jeyapal, learned Standing Counsel takes notice for respondents 2 & 3.

4.Mr.B.Vijay, learned Additional Government Pleader takes notice on behalf of the impleaded 4th respondent.

5.The learned Additional Government Pleader appearing on behalf of the 4th respondent shall produce the original records to substantiate that notice was given to the owners of the respective flats while fixing the compensation through negotiation. The grievance of the petitioners is that no notice was issued to all the owners and only some of the owners were issued notice and they attended the enquiry.

6.Post this case at the end of the motion list on 18.03.2025.

3.Pursuant to the above order, the learned Standing Counsel appearing for CMRL was directed to file a Position Note. Accordingly, a status report has

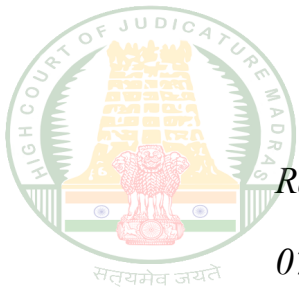


been filed by the 1st respondent. The relevant portions in the status report are extracted hereunder:

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10. I respectfully submit that a Notice inviting for fixation of land parcel as per Section 7 (2) of the Act, had been issued in reference No.033/LA/CMRL/2018, dated 01.02.2024. The said Notice was received by Thiru V. Radhakrishnan, President of VillivakkamVillvam Towers Flat Owners Association on 05.02.2024. Further, the said Notices had also been pasted on the Notice Board of the Association.

11. I respectfully submit that the Special District Revenue Officer (LA), Chennai Metro Rail Limited, after collecting the sale statistics of Villivakkam Village from the Office of the Sub-Registrar, Villivakkam, during the period from 11.10.2020 to 11.10.2023. There were 169 sales taken place within 800 meters radius from the land parcels to be acquired After analysing all the sales and tabulated in Annexure I, II and III as per the instructions issued by the Commissioner of Land Administration, in Circular No M2/7304/2019, dated 23.05.2020, the value of the land parcel to be acquired was fixed at Rs 7,500/- per Square feet by the Special District Revenue Officer (LA), Chennai Metro



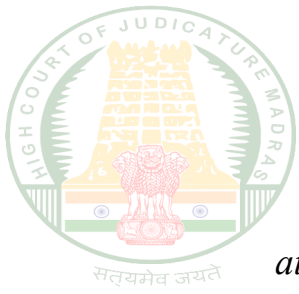
Rail Limited, in proceedings No. 033/LA/CMRL/2018, dated 07.03.2024

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12.I respectfully submit that the District Collector, Chennai, had approved the Draft Award to be passed for the acquisition of the land parcel notified in the Notice under Section 3 (1) of the Act, in proceedings No.033/2018/LA/CMRL, dated 29.04.2024

13 I respectfully submit that an Award for the acquisition of the land parcels in Block 6, T.S. Nos. 1 part, 2 part and 3 part, Villivakkam Town, Aminjikarai Taluk, Chennai District, had been passed by the Special District Revenue Officer (LA) and Land Acquisition Officer, Chennai Metro Rail Limited, in reference No C5/040/2023, dated 30 04 2024 and arrived the compensation amount payable for the acquisition of the land parcels as below:

<i>Sl.No</i>	<i>TS No.</i>	<i>Extent acquired Sq.mts/Sq.ft</i>	<i>Amount of compensation</i>
1.	1 part	175/1,883.7	Rs 2,91,96,847/-
2.	2 part	24/258.336	Rs. 40,04,139/-
3.	3 part	8/86.112	Rs. 13,34,713/-
Total			Rs.3,45,35,699/-



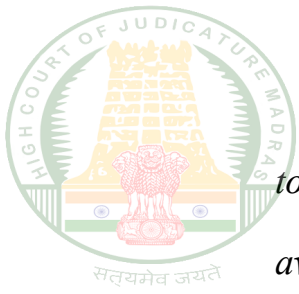
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14. I respectfully submit that few of the land owners had attended award enquiry on 15.02.2024, they did not furnish the documents. Accordingly, the amount of compensation awarded for the acquisition of the land parcels in Block 6, T.S.Nos. 1 part, 2 part and 3 part, Villivakkam Town, Aminjikarai Taluk, Chennai District, had been deposited before the Registrar, City Civil Court, Chennai, as detailed below:

SL.No	TS No	Letter No. & Date	Amount	Cheque No & Date
1.	1 part	C5/040/LA/CMRL/2023, Dated 01.2025	Rs.2,91,96,847/-	139091/Dated 16.12.2024
2.	2 part	C5/040/LA/CMRL/2023, Dated 01.2025	Rs. 40,04,139/-	139094/Dated 16.12.2024
3.	3 part	C5/040/LA/CMRL/2023, Dated 01.2025	Rs. 13,34,713/-	139093/Dated 16.12.2024

15. I respectfully submit that the cheques as detailed above had been deposited before the Registrar, City Civil Court, Chennai on 10.01 2025

16. I respectfully submit that the Hon'ble Principal City Civil Court, Chennai, has taken the above said references under Original Petitions No. 19 of 2025, 20 of 2025 and 21 of 2025 on file. The next date of hearing of the Original Petitions is posted



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to 09.04.2025. It is relevant to update that at the time of passing award the revenue records of the said property stands in the name of Tamil Nadu Housing Board and T Srinivasan Hence, the award amount was deposited before the learned City Civil Court, Chennai.

4.Heard Mr.S.Rajendran, learned counsel appearing on behalf of the petitioners, Mr. P. Sathish, learned Additional Government Pleader appearing on behalf of the 1st respondent, Mr. A.M. Ravindranath Jayapal, learned Standing Counsel appearing on behalf of respondents 2 and 3 and Mr. B. Vijay, learned Standing Counsel appearing on behalf of the 4th respondent.

5.In the case in hand, the acquisition was made under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 for the purpose of formation of a Metro Station at Villivakkam. After following the procedure, notice was issued for fixation of compensation for the land that was sought to be acquired. The property acquired is the frontage portion of the flat which are occupied by various residents. It is stated that the notice was issued to the President of the Association and notice was also pasted in the notice board.



Subsequently, nearly 30 residents attended the enquiry. The compensation was fixed for the frontage portion that is sought to be acquired to the tune of Rs.3,45,35,699/- (Rupees Three Crores Forty Five Lakhs Thirty Five Thousand and Six Hundred and Ninety Nine only). It was also deposited before the City Civil Court, Chennai and the petitions are pending in LAOP Nos.19, 20 and 21 of 2025.

6.The main grievance that was expressed by the petitioners is that the work is going to take place very near to the eighteen storied building which contains 324 flats and it is going to have an impact on the entire building. Therefore, an expert must be appointed to ascertain the impact or the damage that will be caused to the entire structure due to the tunneling work that is going to be carried out in the frontage portion of the flat.

7.In the considered view of this Court, the dispute that has been raised by the petitioners touches upon the technical side of the work that is going to be carried out by CMRL. It is an admitted case that CMRL is not going to demolish any part of the flat that are occupied by the petitioners and others.



Hence, it is the look out of CMRL to ensure that while undertaking the work, damage is not caused to the structure that is occupied by many flat owners. The

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CMRL has the technical wherewithal to handle a situation like this and the entire work cannot be stalled based on the apprehension raised by the petitioners. In any case, the compensation has been fixed for the acquisition of the frontage portion of the apartments and if the members of the Association who are owning flats are not satisfied with the quantum of compensation, they can always seek for a reference before the competent Court and ask for enhancement of compensation.

8.Except giving the above clarity, no further orders can be passed in this writ petition and this writ petition is disposed of accordingly. No Costs. Consequently, connected miscellaneous petitions are closed.

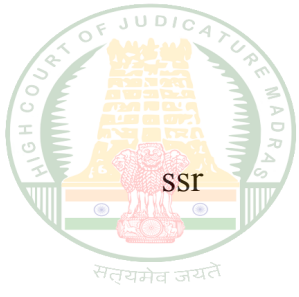
03-04-2025
(2/2)

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

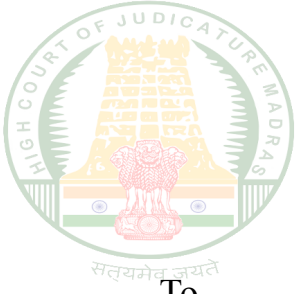


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WP No. 8479 of 2





To
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N.ANAND VENKATESH J.

SSR

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