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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2025

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

Writ Petition No.11018 of 2025

P.Murugesan

.... Petitioner

-Vs-

- 1.The District Collector
Office of the District Collector
Chennai 600 001.
- 2.The Manager Director
Chennai Metro Rail Limited
327, Anna Salai, Nandhanam
Chennai 600 035.
- 3.The District Revenue Officer (LA)
Chennai metro Rail Limited
327, Anna Salai
Nandhanam, Chennai 600 035.
- 4.The Land Acquisition Officer
Chennai Metro Rail Limited
327, Anna Salai
Nandhanam, Chennai 600 035.

.. Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, Call for records passed by the 3rd respondent in Rc.No.1130/LND/CMRL/2023 dated 10.10.2023 and quash the same as illegal and consequently direct the 3rd and 4th respondent to reassess to compensation by fixing higher land value and structural value in respect of acquired land T.S No. 2 block No. 24 and T. S No. 44 Block No.6.



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For Petitioner : Mr.R.A.Shinusha

For Respondents : Mr.A.Selvendran
Special Government Pleader
for R1, R3 & R4

Mr.B.Vijay
Standing Counsel
for R2

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated 10.10.2023 and for a consequential direction to the 3rd and 4th respondents to reassess the compensation by fixing a higher land value and structural value and to pay the same to the petitioner.

2.When the matter came up for hearing on 07.04.2025, this Court directed the learned Standing Counsel appearing on behalf of CMRL to take written instructions/position note. Accordingly, the matter was directed to be hearing listed today.

3.When the matter was taken up for hearing today, the position note of the CMRL was placed before this Court and the relevant portions are extracted hereunder:

2. The Respondent submits that the Petitioner's lands comprised in Block No. 6, T.S. No. 44, measuring to an extent of



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51 sq.m., situated in Virugambakkam Town, Mambalam Taluk, was acquired by the CMRL for the purpose of public project. The Land Owner / Writ Petitioner had entered into private negotiation for acquisition and determination of compensation under Section 7(2) of Act X of 1999. The Land Owner had consented to receive total compensation of Rs.1,04,44,494/- as compensation for the land and building. The statutory agreement entered between the Writ Petitioner and acquisition authority under Form-F, was duly registered on 30.10.2022 on the file of S.R.O., Virugambakkam bearing Document No. 9665 of 2022.

3. The Respondent submits that the Land Owner has entered into private negotiation with free consent and parted with the lands by accepting the fair compensation agreed between the parties. At this juncture, the Petitioner made representation on 29.08.202 seeking higher compensation. The claim made by the Petitioner seeking enhanced compensation after passing of the Agreement Award by private negotiation under Section 7(2) of the Act, is legally untenable. Any agreement Award passed under Section 7 (2) of the Act, is final and conclusive.

4. Clause 3 of the statutory agreement entered between the parties clearly stipulates that the Owner shall not claim any amount in addition to the amount agreed upon aforesaid as compensation and accepted without any protest. Hence, the claim made by the Petitioner seeking higher compensation after entering into private negotiation agreement on his own volition is not maintainable in law.

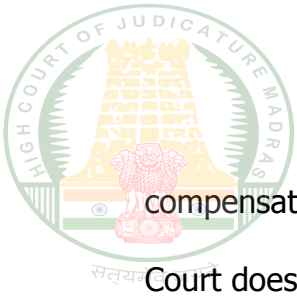


4. Heard Mr.R.A.Shinusha, learned counsel for the petitioner, Mr.A.Selvendran, learned Special Government Pleader for R1, R3 & R4 and Mr.B.Vijay, learned Standing Counsel for R2.

5. The grievance expressed by the learned counsel for the petitioner is that a higher compensation has been fixed for others in the very same street and whereas stream where the petitioner has been given lesser compensation and therefore the petitioner is seeking for reassessing the compensation amount.

6. In the considered view of this Court, the compensation amount has been fixed after a private negotiation under Section 7(2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1999 (hereinafter referred to as 'the Act'). The award was also passed and it has become final and conclusive. In fact, the learned Standing Counsel appearing on behalf of CMRL submitted that the claim made by the petitioner was considered and a higher compensation has been fixed than what was fixed for other persons in the same street and hence the claim is untenable and an appropriate compensation has been paid to the petitioner.

7. The compensation amount was fixed upon a private negotiation under Section 7(2) of the Act, and the compensation amount was also accepted by the petitioner without protest. Therefore, the claim made by the petitioner seeking higher



compensation after entering into private negotiation is not maintainable. Hence, this

Court does not find any ground to grant the relief as sought for in the writ petition.

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8.In the result, this writ petition stands dismissed. No costs.

28.04.2025

Index : Yes/No

NCS : Yes/No

KP

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N.ANAND VENKATESH, J.

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