



Writ Petition No.11505 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.04.2025

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.11505 of 2025

and

W.M.P.No.12992 of 2025

M/s.Kun Auto Company Private Limited
Rep By Its Director U.Venkatesh,
Having Office At C-48, Second Avenue,
Anna Nagar East, Chennai-102.

Petitioner

Vs

1. Chennai Metro Rail Limited (CMRLI)
No.327, Anna Salai, Nandanam,
Chennai-600 035.

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

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus forbearing the respondents from in any manner evicting the petitioner or demolishing the property situated at Door No. 96- 100, Rajiv Gandhi Salai (Old Mahabalipuram Road) Sholinganallur, Chennai- 600 119 for a period of 12 weeks.



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For Petitioner : Mr.V.Balakrishnan
For Respondents : Mr.Edwin Prabhakar
State Government Pleader

ORDER

This writ petition has been filed seeking issuance of a writ of mandamus forbearing the respondents from in any manner evicting the petitioner or demolishing the property and to give twelve weeks time for the petitioner to make alternative arrangements.

2. Heard Mr.V.Balakrishnan, learned counsel for petitioner and Mr.Edwin Prabhakar, learned State Government Pleader appearing for respondents.

3. This Court, considering the grounds raised in the writ petition and the submissions made on either side, passed the following order on 28.03.2025:

"Mr.Edwin Prabhakar, learned State Government Pleader of Tamil Nadu accepts notice on behalf of the respondents.

2. Considering the nature of the relief sought for in this writ petition, there shall be a direction to the officials of CMRL to make an inspection of the property tomorrow (29.03.2025) in the presence of the officials of the petitioner Company. They shall ascertain as to which portion of the property can be immediately taken over in order to start the process and the work shall be



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commenced. Thereafter, this Court can grant some time to enable the petitioner to move the machineries out of the property to the alternative place.

Post this writ petition at the end of the motion list on 02.04.2025."

4. When the matter was taken up for hearing today, the status report of the first respondent was filed before this Court. The relevant portions are extracted hereunder:

"3. I submit that in pursuance of the order of the Hon'ble High Court of Madras, the land in Survey No.493/3A1, Sholinganallur Village and Taluk, Chennai District, corresponding to Door No.96-100, Rajivi Gandhi Salai (Old Mahabalipuram Road), Sholinganallur, Chennai, was inspected by the officials of Chennai Metro Rail Limited with the officials of the M/s.KUN Auto Company Private Limited on 29.03.2025, as named herein.

Officials of Chennai Metro Rail Limited

1. P.Anbuselvam, Deputy Collector (LA)
2. Benson Daniel, Deputy Manager
3. P.S.Pandian, Junior Engineer
4. Senthil Kumar, GC Engineer
5. R.Prabh, Licensed Surveyor

M/s.KUN Auto Company Private Limited

1. Babu, General Manager (Sales), Sholinganallur
2. Ramesh Raja, Service Manager
3. Sudhakar, HR - Admin

Official from Contractor side

1. Murugan, Survey Manager
2. S.Prathap, IR - Admin



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4. I submit that during the course of joint inspection made on 29.03.2025, it is noticed that three piers are to be located in the site, of which two piers are to be in the vacant area.

5. I submit that the construction work of two piers in the vacant area, is commenced immediately.

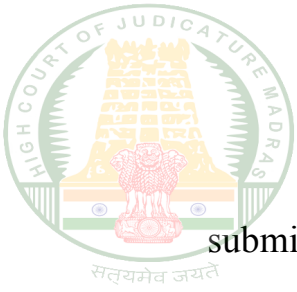
6. I submit that the expertise team available with the petitioner, consider the require time for dismantling the machineries found at the time as detailed below:

- | | |
|--------------------------|-----------|
| i. Hydraulic Ramp | - 10 Nos. |
| ii. Pneumatic compressor | - 3 Nos. |
| iii. Service lifts | - 3 Nos. |
| iv. Drier Unit | - 1 No. |
| v. Water wash unit | - 1 No. |

7. I submit the during the joint inspection it was resolved that for dismantling of the above said machineries, ten days period is sufficient and the same agreed by the officials of the petitioner participated in the joint inspection.

8. I submit that Chennai Metro Rail Limited agree to grant ten days to dismantle the machineries from the land parcel acquired and to hand over the entire portion of the land parcel acquired on the Afternoon of the tenth day so as to proceed to demolish the building for undertaking the project of Chennai Metro Rail Limited."

5. Learned counsel for the petitioner also independently placed before this Court the inspection report prepared on the side of the petitioner. The list of machineries, which will have to be moved from the subject property to the alternative site is found at page No.2 of the inspection report relied upon by the petitioner. Learned counsel



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submitted that the access to the property has been completely closed and the alternative place to which the machineries are going to be shifted will get over only after six weeks and therefore, learned counsel for the petitioner seeks for six weeks time to enable the petitioner to shift all the machineries to the alternative location.

6. *Per contra*, learned State Government Pleader submitted that the petitioner was only seeking for ten days time to dismantle the machineries and shift it to the alternative site and whereas, the petitioner is now seeking for six weeks time, which is not acceptable. Learned State Government Pleader submitted that the work has commenced and it has to be completed by the contractor within the time frame and therefore, any further delay will cause prejudice to the Chennai Metro Rail Limited. Learned State Government Pleader further submitted that access will be provided to the petitioner in order to enable the petitioner to dismantle and move the machineries from the subject property to the alternative site.

7. Taking into consideration the facts and circumstances of the case and the subsequent development, which has taken place in this case,



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N.ANAND VENKATESH, J

gm

this Court deems it fit to grant four (4) weeks time to the petitioner to dismantle the machineries and take the machineries to the alternative location. It is made clear that no further extension of time will be granted by this Court and the time fixed by this Court shall be taken as final. If the petitioner does not vacate the property within the time fixed by this Court, it is left open to the respondents to take possession of the property.

This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

02.04.2025

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order

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To

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