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W.A.No.2438 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.08.2025

CORAM

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.A.No.2438 of 2025

1. S.Shanthi
D/o Late C.Arunachalam
 2. B.Roseline,
D/o Late C.Arunachalam
 3. A.Joseph,
S/o Late C.Arunachalam
 4. A.Vincent,
S/o Late C.Arunachalam
 5. A.Louis
S/o Late C.Arunachalam
- ..Appellants

Vs.

1. The Estate Officer and Joint General Manager(JGM),
Chennai Metro Rail Limited,
CMRL, Depot, Admin Building,
Poonamallee High Road,
Koyambedu,
Chennai – 107
2. The Temple Steps Owners Association,
Rep. By its Secretary,
“Temple Steps”, 184-187, Anna Salai,
Little Mount, Saidapet,
Chennai – 600 015



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3. Vijayakumar,
S/o Late Manick Chand Jain

4. Kantilal,
S/o Late Manick Chand Jain

..Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the order dated 06.02.2025 passed by this Court in W.P.No.31808 of 2024.

For Appellants : Mr.C.Sivanesan

For Respondents : Mr.G.Vikraman for R2

JUDGMENT

(The order of the Court was made by J.Nisha Banu,J.)

This Writ Appeal has been filed as against the order dated 06.02.2025 passed by this Court in W.P.No.31808 of 2024, dismissing the said writ petition.

2. The writ petition has been filed to issue a Writ of Mandamus directing the 1st respondent to disburse 1/14th share i.e., Rs.17,08,726/- along with interest towards the compensation amount that was fixed on acquisition of the property made by the Chennai Metro Rail Limited.

3.1 The case of the petitioner in the writ petition is that the petitioner's father and his relatives were in absolute possession and



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enjoyment of the property measuring 1.87 acres comprised in T.S.No.24/1

Anna Salai, Little Mount, Adyar Village for several decades. One Manick Chand Jain filed a suit for eviction in O.S.No.3995/198 and the same was dismissed. After a lapse of 3 years, again he filed a suit for recovery of possession in O.S.No.2995 of 1978 and the same was dismissed. Thereafter, he filed A.S.No.658 of 1984 as against the dismissal of O.S.No.2995/1978 and the same was also dismissed. As against the judgment passed in A.S.No.658 of 1984, he filed S.A.No.107 of 1988.

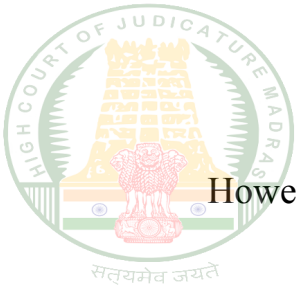
3.2 When the Second Appeal was pending, said Manick Chand Jain died and the LR's were brought on record and by compulsion, compromise memo was filed and based on the said compromise memo, the Second Appeal was allowed and the petitioners and other owners were forcibly evicted from the property. As against the order passed in Second Appeal, the 2nd and 4th petitioner preferred S.L.P.No.698-699 of 2001 and obtained status quo before the Hon'ble Supreme Court. Likewise, some other owners of the land, aggrieved by the order of the High Court preferred SLP No.2343 of 2011 before the Hon'ble Supreme Court and the order of the High Court was set aside and the petitioners perfected title to the property by adverse possession. In the meantime, a piece of land was acquired by Metro Rail Limited and compensation amount of Rs.2,08,22,162/- was kept in Revenue Deposit.



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3.3 Based on the order of the High Court, the legal heirs of Manick Chand Jain entrusted the property to a builder and the builder constructed a multi storeyed residential apartments and shopping complex and sold the same to 89 persons/owners and they formed an association called Temple Steps Flat Owners Association and without any right over the property, the Flat owners association got the compensation amount of Rs.2,08,22,162/-. Thereafter, the said Association filed L.A.O.P. for enhancement of compensation against the Metro Rail Limited and the same was also ordered.

3.4 In the meantime, the 5th petitioner Mr.Louis sent lawyer's notice to all the flat owners intimating the order of the Supreme Court and directed to vacate and hand over possession of the property . Most of the flat owners received the legal notice. Since there was no development, the petitioners filed a suit in C.S.SR.No.74819 of 2021 for recovery of possession before this Court and the same is pending. Having received the legal notice and having come to know that they are not the owners of the property, by suppressing the same, they filed a writ petition again before this Court and obtained an order in the year 2022 directing the Metro Rail Limited to pay enhanced compensation to the 2nd respondent. Thus, the petitioners filed a writ petition in W.P.No.31808 of 2024 to direct the 1st respondent Metro Rail to pay their respective shares to the petitioners,



However, the same was dismissed. Hence, the present Writ Appeal.

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4. Heard the learned counsel for the appellants, the learned counsel appearing for the 2nd respondent and perused the materials available.

5. First of all, in the said writ petition, the petitioners have sought for a direction to the 1st respondent/Chennai Metro Rail Limited, to disburse 1/14th share i.e., Rs.17,08,726/- along with interest towards the compensation amount that was fixed on acquisition of the property made by the Chennai Metro Rail Limited. It is seen from the records that the entire compensation amount has been paid to the Association/2nd respondent by the Chennai Metro Rail Limited and the Association have also acknowledge the same. There is no amount due from the 1st respondent/Metro Rail.

6. If the petitioners are aggrieved, they can only claim compensation from the 2nd respondent Association who have received the entire compensation from the 1st respondent/ Metro Rail. The dispute between the appellants and the 2nd respondent Association cannot be gone into by this Court. We are not inclined to interfere with the order passed in



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the writ petition as we find no infirmity or illegality in the said order.

Therefore, the Writ Appeal fails and the same stands dismissed. No costs.

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[J.N.B.,J.] [M.J.R.,J.]
06.08.2025

vsi

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Estate Officer and Joint General Manager(JGM),
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CMRL, Depot, Admin Building,
Poonamallee High Road,
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