



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26-03-2025

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CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WA No. 2574 of 2024

AND

CMP NO. 18504 OF 2024

S.Kalaiarasan

Appellant(s)

Vs

1. The District Collector
Chengalpattu District.

2.The Revenue Divisional Officer
Tambaram Revenue Division,
Chengalpattu District.

3.The Tahsildar
Tambaram Taluk,
Chengalpattu District.

4.The District Revenue Officer
(Land Acquisition) Chennai Metro Rail
Office, Metros, No.327 Anna Salai,
Nandanam, Chennai 600035.

Respondent(s)



WA No. 2574 of 2024

PRAYER

WEB COPY To set aside the order passed by the single judge in W.P.No.35045 of 2023 dated 26.02.2024.

WA No. 2574 of 2024

For Appellant(s): Mr. K.Elango For
Mr.G.Sudangan

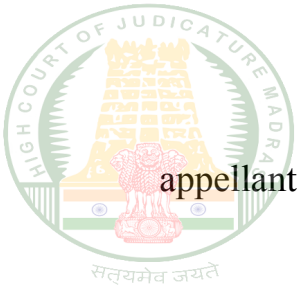
For Respondent(s): Mr.P.S. Raman Advocate General
Asst By Mr. A Edwin Prabakar GP
For R4
Mr. T. Arunkumar AGP For R1 To
R3

JUDGMENT

(Judgment was delivered by S.M.Subramaniam J.)

The present Intra-Court appeal has been instituted against the writ order dated 26.02.2024 passed in W.P.No.35045 of 2023. The writ petitioner is the appellant before us.

2. The writ petition was instituted challenging the order of rejection, rejecting the claim of the appellant for compensation for both the land and superstructure. The learned Single Judge considered the issues and dismissed the writ petition with a cost of Rs.1 Lakh, mainly on the ground that the



appellant is an encroacher and therefore, he is not entitled for compensation.

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3. The learned counsel for the appellant would submit that the appellant has been in possession of the land for several decades, constructed a house and residing there. He has not challenged the land acquisition proceedings but seeks only compensation for both the land as well as for the super structure constructed. That being so, the learned Single Judge ought to have granted compensation instead of dismissing the writ petition.

4. The learned Advocate General appearing on behalf of the 'State' would contend that compensation for the superstructure had been assessed and paid by the Chennai Metro Rail Limited (CMRL) to the appellant. The appellant also acknowledged the compensation paid for the superstructure. As far as the land is concerned, it is classified as Grammanatham belonging to Government and therefore, the appellants is not entitled for compensation.

5. Regarding Grammannatham lands are concerned, individuals cannot



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claim title or ownership unless the said land is assigned to persons to a limited extent for the purpose of construction of a house, as per the Revenue Standing Orders No.21 (RSO). As far as Chennai city is concerned, there is no Grammanatham lands as of today and even if such classifications are available in revenue records, they require change as Chennai city has become a metropolitan city and such classification would pave way for encroachers to occupy the valuable Government lands. Thus, the very claim put forth by the appellant at this stage deserves no merit consideration.

6. As far the claim regarding title is concerned, it is for the appellant to establish his title through documents and evidences before the Competent Civil Court of Law. In the absence of establishing title, the appellant is not entitled to claim compensation. Compensation for superstructure has already been settled. That being so, we are not inclined to interfere with the writ order. However, we are inclined to set aside the cost of Rs.1 Lakh imposed by writ court on the appellant.



7. It is made clear that in the event of instituting a suit, the Civil Court shall consider the issues based on merits, documents, evidence and uninfluenced by the observation made by the Writ Court.

8. With these observations, the Writ Appeal stands dismissed. No costs.

Consequently, the connected Miscellaneous petition is closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

26-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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**S.M.SUBRAMANIAM
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AND
K.RAJASEKAR J.**

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