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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-06-2025

CORAM

THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WMP.No.26381 of 2025 in W.P.No.16782 of 2024

M/s.Bay Infra Develepeers Private
Limited,
No.35/1, Ground Floor, Muthukrishnan
Street, Kondithope, Chennai – 600 079.

Petitioner(s)

Vs

1. G.Gowri Shankar, S/o.Gothandan
Proprietor of the Hotel Gowri Vilas,
ECR, Paramankeni Village, Cheyyur
Taluk, Chengalpet District.

2. The District Collector,
Chengalpet District, District
Collectorate, GST Road, Chengalpet
– 600 3001.

3. The Authorised Officer/Special
District Revenue Officer [L.A.], Special
District Revenue Officer,
Mahabalipuram – Puducherry Express
High Road, 16, Varadharajan Street,



Vedhachalam Nagar, Chengalpet – 603
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4. M/s.SPL ECR Highway Pvt. Ltd.,
M/s.SPL Infrastructure Pvt. Ltd., 809,
Cheyyur – Panayur Road, Cheyyur D &
E Village, Cheyyur Taluk, Chengalpet
District – 603 302.

Respondent(s)

For Petitioner : K.Jagannathan

For Respondents: Mr.Jaishankarramakrishnan – R1

Mr.A.Selvendran, Spl. Govt.
Pleader – R2 & R3

ORDER

This petition has been filed to recall the Order passed by this Court in
W.P.No.16782 of 2024 dated 26.06.2024.

2. This Court considering the relief sought in the Writ Petition seeking
direction to the first and second respondents to consider the representation of



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the writ petitioner, this Court disposed of the Writ Petition with a direction to the first and second respondents to consider the representation of the petitioner dated 19.06.2024 and pass Orders on the same. Though the Writ Petition has been disposed on 26.06.2024, as the representation of the petitioner has not been considered, the writ petitioner had filed a Contempt Petition before this Court in Contempt Petition No.1799 of 2025 and the Contempt Petition has been adjourned to 30.06.2025. In the meanwhile, it appears that the Orders have been passed by the second respondent observing that the writ petitioner is entitled to compensation in respect of the building and not in respect of the land.

3. Now the land owner as filed the present petition to recall the Order passed inter alia contending that the lease was originally for a period of three years and thereafter, the same has not been renewed. However, they are receiving the rent. The learned counsel appearing for the petitioner would further submit that originally the land alone has been leased out and rest of the construction has been made by the tenant. The tenant himself had agreed, he

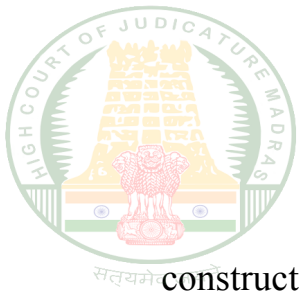


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has made only small investment and major construction, flooring have been done only by the landlord. Therefore, submitted that entire compensation for the building cannot be obtained by the tenant. Hence, submitted that based on the Orders passed in the Writ Petition, Orders have been passed by the District Revenue Officer.

4. Whereas, the learned counsel appearing for the respondent would submit that the lease agreement itself clearly indicate that the land alone has been leased out and the entire construction had been put up by the tenant and only for such construction, he had sought compensation.

5. I have perused entire materials. The Writ Petition has been disposed of in the admission stage itself and there was no notice served on the fourth respondent in the Writ Petition, who is the present petitioner herein. Pursuant to the Order passed in the Writ Court, now the authorities by an Order dated 24.06.2025 had held that the tenant is entitled to compensation for the



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construction. It is not disputed that the entire property has been acquired by the authorities under the National Highways Act. Now the dispute between the parties is with regard to the compensation payable for construction. It is the contention of the tenant that the entire construction has been put up by them. Whereas, the learned counsel appearing for the petitioner would submit that by a letter dated 10.05.2024, the tenant himself has clearly admitted the nature of development made by him and the other constructions had been made by the landlord. Therefore, now he cannot seek compensation for the entire construction.

6. I have perused the letter also, wherein, it is stated as if the nature of construction has been put up by both sides. Though this letter has been disputed by the tenant as a forged one, in view of the contentions raised by both sides, whether the entire construction has been put up by the tenant alone or the construction made by the landlord, is purely a disputed fact and it has to be proved only in the manner known to law. In such view of the matter, this Court



is of the view that the Order of the District Revenue Officer passed on
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24.06.2025 pending contempt proceedings cannot be given any effect and the same stands set aside. The second respondent is directed to conduct fresh enquiry in this regard giving opportunity to the landlord and the tenant and pass Orders with regard to the exact entitlement of the parties to the compensation. In the event, still the parties are not agreeable, the only option available to them is to adjudicate their dispute in the appropriate reference Court.

7. With the above directions, this miscellaneous petition is disposed of.

No costs.

30-06-2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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Collectorate, GST Road,
Chengalpet – 600 3001.

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Special District Revenue Officer,
Mahabalipuram – Puducherry Express High Road,
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N.SATHISH KUMAR, J.

VRC

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