



Writ Petition No.22837 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 26.02.2025

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.22837 of 2024

and

W.M.P.No.24883 of 2024

- 1.T.Lingadurai
- 2.S.Bhuvaneshwari
- 3.B.Vijayarani
- 4.P.Annamalai
- 5.S.Ponnammal
- 6.C.Pownraj
- 7.T.Karpagam
- 8.D.Dasaratharama Reddy @ Dasaratha Reddy
- 9.K.Deenadayalan
- 10.S.Subramani
- 11.P.F.Augustin Arokiaraj
- 12.P.F.Stella Rosalin Sagayamary
- 13.R.Jothi
- 14.S.Megala
- 15.D.Padmavathi
- 16.C.Venkateswara Rao
- 17.S.Manikandan
- 18.D.Sudhakar Babu
- 19.N.Vanjatchi
- 20.V.Anandan
- 21.D.Venkatasubramanyam
- 22.K.Zakir Hussain
- 23.P.Devaki

... Petitioners

Vs.

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.



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- 2.The Special Tahsildar,
Land Acquisition, Unit-II,
Chennai Peripheral Road Scheme,
Thachur, at Thiruvallur.
- 3.The Secretary to Government,
Highways Department,
Fort St.George, Chennai.
- 4.The Divisional Engineer, Highways,
Chennai Metropolitan Development Scheme,
Division V, No.124, 2nd Floor,
Thiyagaraya Road,
Teynampet, Chennai - 600 018.
- 5.The Assistant Divisional Engineer, Highways,
Chennai Metropolitan Development Scheme,
Division V, No.124, 2nd Floor,
Thiyagaraya Road,
Teynampet, Chennai - 600 018.
- 6.The Commissioner,
Hindu Religious and Charitable Endowment Department,
Nungambakkam, Chennai - 600 034.
- 7.The Joint Commissioner,
Hindu Religious and Charitable Endowment Department,
No.308, 1st Floor, Arcot Road,
Kakidhapattarai, Vellore - 12.
- 8.Sri Varadharaja Perumal and Ekambaranathar Temple,
Minjur, represented by its
Executive Officer, Minjur - 601 203. ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Declaration declaring the action of the second respondent in depositing the compensation amount, in respect



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of the buildings owned by the petitioners, at Kattur Road, in Minjur Village, Ponneri Taluk, Thiruvallur District, with the eighth respondent temple as illegal and for a consequential order directing the fifth respondent not to take possession of the buildings owned by the petitioners till at least the compensation amount for such building presently determined are paid to the petitioners.

For Petitioners : Mr.Ravikumar Paul, Senior Counsel
for Mr.R.Krishnaswamy

For Respondents : Mr.P.Sathish
Additional Government Pleader
[R1 to R5]
Mr.N.R.R.Arun Natarajan
Special Government Pleader [R6 to R8]

ORDER

This writ petition has been filed seeking issuance of a writ of declaration to declare the action of the second respondent in depositing the compensation amount with respect to the buildings owned by the petitioners with the eighth respondent temple as illegal and for a consequential direction to the fifth respondent not to take possession of the buildings owned by the petitioner till the entire compensation amount is paid to the petitioners.



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2. The case of the petitioners is that the lands in Survey

Nos.203/1 and 203/3 belong to the eighth respondent temple. It was let out to the tenants, who had put up constructions in the land and they were in possession and enjoyment of the same. The second respondent initiated acquisition proceedings for construction of a overhead railway bridge across the railway line at Minjur. The grievance of the petitioners is that the second respondent deposited the entire compensation amount in respect of the site as well as the buildings in the account of the eighth respondent temple and thereby, deprived the compensation payable to the petitioners for the buildings that were constructed by them.

3. When the matter came up for hearing on 04.02.2025, this

Court passed the following order:

"This Court heard the learned Senior Counsel appearing on behalf of the petitioners, the learned Additional Government Pleader appearing for respondents 1 to 5 and the learned Special Government Pleader appearing for respondents 6 to 8.

2. It is brought to the notice of this Court that the total compensation that has now been deposited in the name of the eighth respondent is Rs.18,13,29,426/-. Out of the said amount, a sum of Rs.6,58,60,064/- represents the compensation and the solatium payable towards the superstructure. This writ petition confines itself only to this amount, over which, the petitioners are making their claim.



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3. This Court wants to know the total rent that has been paid by all the petitioners put together by giving the period, for which, such rent was paid. This Court also wants to know the total arrears of rent that is now calculated by the Hindu Religious and Charitable Endowment Department, which according to them, is payable by the petitioners and which should be adjusted from the compensation amount. Once these figures are given, this Court will consider the submissions made on either side and pass final orders in the writ petition.

4. Post on 13.02.2025 under the caption 'for orders'."

4. The matter was thereafter listed on 13.02.2025 and this

Court passed the following order:

"Pursuant to the earlier order passed on 04.02.2025, the matter was listed for hearing today and the learned Senior counsel appearing on behalf of the petitioner submitted a memo of calculation. For proper appreciation, the relevant portion is extracted hereunder:

1. Total compensation for the land as well as Buildings deposited by the 8th Respondent Rs.18,13,29,426/-
2. Total compensation for the superstructure of all Tenants Rs.6,58,60,064/-
3. Total compensation for the superstructure of the petitioners + 100% Solatium Rs.5,79,22,672/-
4. Total rent paid by the petitioners as per the calculation dated 16/12/2024 submitted by the eighth respondent for the period from 01/07/2001 to 30/06/2024 Rs.5,66,449/-
5. Total arrears of rent as claimed by the 8th respondent towards arrears of rent from the petitioners as per the Rs.1,92,33,204/-



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calculation dated 16/12/2024 submitted
by the 8th Respondent for the period
from 01/07/2001 to 30/06/2024

6. Balance amount payable to petitioners Rs.3,86,89,468/-
based on the individual calculation of
8th Respondent for the period from
01/07/2001 to 30/06/2024

2. Learned Senior Counsel submitted that the claim for arrears of rent has to be confined to the last three years and beyond the same, it cannot be recovered from the petitioners. To substantiate this submission, learned Senior Counsel relied upon the order passed by this Court in W.P.No.21860 of 2024, dated 31.07.2024 and the relevant portion that is relied upon is extracted hereunder:

"5. According to the learned counsel appearing for the respondents 6 to 8, as far as building of the petitioner is concerned a sum of Rs.5,01,215/- has been assessed. It is his contention that the petitioner has not paid the rent even from the year 1999 and after adjusting the rental arrears, only the remaining amount has to be paid to the petitioner.

6. It is to be noted that at the most, the eighth respondent can recover the rental arrears only for the last three years and not beyond three years. In such view of the matter, let the eighth respondent calculate the rental arrears for the last three years payable by the petitioner and after adjusting the same, pay the remaining amount to the petitioner."

3. Learned Senior Counsel submitted that if the entire arrears of rent is claimed by the eighth respondent, then a sum of Rs.3,86,89,468/- is payable to the petitioners. If, on the other hand, only three years arrears of rent is recoverable from the petitioners, a sum of Rs.5,26,47,448/- is payable to the petitioners. The following calculation has been given to substantiate the same:

Total rent payable by the petitioners for the last three years as claimed by the 8th Respondent Rs.52,75,224/-



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If recovery is restricted to 3 years balance amount payable to the petitioners based on the individual computation of the petitioners submitted on 07/01/2025 after deducting arrears of rent claimed by respondent 8 only for the last 3 years. Rs.5,26,47,448/-

Learned Special Government Pleader appearing on behalf of the eighth respondent seeks for time.

Post this case on 18.02.2025 under the caption 'for orders'."

5. When the matter came up for hearing on 18.02.2025, this Court passed the following order:

"When the matter is taken up for hearing today, the learned Special Government Pleader appearing on behalf of respondents 6 to 8 submitted the memo of calculation.

2. Learned Special Government Pleader submitted that the total compensation for the superstructure of the petitioners along with 100% solatium works out to Rs.5,20,95,674/-. That apart, the total rent that has been paid by the petitioners for the period from 01.07.2001 to 30.06.2024 works out to Rs.7,08,009/-. Thus, the total arrears that is claimed by the eighth respondent is Rs.1,94,59,226/-. If the same is taken into consideration, the balance amount payable to the petitioners is Rs.3,39,97,838/-.

3. Learned Special Government Pleader submitted that insofar as the claim for only 3 years of arrears of rent, the order passed in writ petition in W.P.No.21860 of 2024 is being put to challenge in the writ appeal.

4. Learned Senior Counsel appearing on behalf of the petitioners seeks for some time to verify the memo of calculation submitted today and to make his submission.

5. Post this writ petition under the caption 'part-heard



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cases' on 20.02.2025."

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6. Pursuant to the above order, the matter was listed for hearing today. A memo of calculation was filed on behalf of the petitioners. It is seen that the controversy is now confined only to the value of the building that was put up by the sixteenth petitioner and the solatium that is payable along with the compensation for that building. By virtue of the same, a sum of Rs.7,38,172/- will have be added in the total compensation.

7. The claim made by the sixteenth petitioner is sustainable even as per the copy of the document that was placed before this Court. At P.No.14 of the typed set of papers filed by the Hindu Religious and Charitable Endowment Department, a sum of Rs.3,69,086/- has been fixed towards the building of the sixteenth petitioner whose name is found at Sl.No.24 in that document. After the solatium is added, it will work out to Rs.7,38,172/-. In view of the same, the total compensation for the superstructure put up by the petitioners along with 100% solatium will work out to Rs.5,28,33,846/- (5,20,95,674 + 7,38,172).

8. The next controversy is with regard to the total arrears of



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rent that is claimed by the eighth respondent. According to the petitioners, the arrears of rent can be claimed only for three years and therefore, after calculating the arrears of rent for three years, the total compensation payable to the petitioners is Rs.4,76,32,402/-.

9. Even in the earlier hearing, it was brought to the notice of this Court that the order passed in W.P.No.21860 of 2024 has been put to challenge in writ appeal and the same is pending. Therefore, for the present, the entire arrears of rent can be taken into account and it can be deducted from the total compensation that is payable to the petitioners towards the superstructure. If ultimately, the order passed by the learned Single Judge in W.P.No.21860 of 2024 is upheld, the Hindu Religious and Charitable Endowment Department has to return back the arrears of rent collected from the petitioners in excess of three years period. On the contrary, if the order passed in the writ petition is overruled by the Division Bench, the arrears of rent as calculated by the Hindu Religious and Charitable Endowment Department can be sustained. This observation will sufficiently take care of the interest of both sides.

10. In the light of the above discussion, from the total



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compensation that is payable to the petitioners amounting to a sum of Rs.5,28,33,846/-, the total arrears of rent claimed by the eighth respondent amounting to Rs.1,94,59,226/- has to be deducted and the balance amount works out to Rs.3,33,74,620/-. Even as per the calculation memo given by the Hindu Religious and Charitable Endowment Department, the petitioners 6 and 15 are not entitled for payment of compensation since the arrears of rent is more than the compensation that is payable to them. Therefore, the total compensation amount of Rs.3,33,74,620/- will be paid to the other petitioners as per their entitlement except the petitioners 6 and 15. It is stated that petitioners 6 and 15 are liable to pay the arrears of rent after the adjustment of the compensation to the tune of Rs.9,77,628/- and Rs.3,83,762/-. These amounts shall be paid by the petitioners 6 and 15 and if they do not pay, it is left open to the Hindu Religious and Charitable Endowment Department to initiate proceedings for recovery of the same.

11. In the result, the total compensation of Rs.3,33,74,620/- payable to the petitioners except petitioners 6 and 15 shall be paid as per their entitlement within a period of four (4) weeks from the date of



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receipt of a copy of this order. Since the petitioners are not clear about the manner in which the arrears of rent was calculated, the calculation of arrears of rent shall be given to each of the petitioner and if they are aggrieved by the same, they can work out their remedy in the manner known to law.

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

Consequently, connected miscellaneous petition is closed.

26.02.2025

Neutral Citation: Yes/No
Index: Yes/no
Speaking Order/Non-Speaking Order
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To

- 1.The District Collector,
Thiruvallur District,
Thiruvallur.
- 2.The Special Tahsildar,
Land Acquisition, Unit-II,
Chennai Peripheral Road Scheme,
Thachur, at Thiruvallur.
- 3.The Secretary to Government,
Highways Department,
Fort St.George, Chennai.



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N.ANAND VENKATESH, J

gm

- 4.The Divisional Engineer, Highways,
Chennai Metropolitan Development Scheme,
Division V, No.124, 2nd Floor,
Thiyagaraya Road,
Teynampet, Chennai - 600 018.
- 5.The Assistant Divisional Engineer, Highways,
Chennai Metropolitan Development Scheme,
Division V, No.124, 2nd Floor,
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- 6.The Commissioner,
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