



W.P.No.35368 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

Coram

The Honourable **Mr. Justice Krishnan Ramasamy**

W.P.No. 35368 of 2024

and

W.M.P.Nos.38251 & 38252 of 2024 and

W.M.P.No.28336 of 2025

M/s.S.A.A.Ispahani Trust
rep. by its Authorized Officer,
Mr.P.Sesan, General Manager.

..Petitioner

Vs.

1. The Secretary to Government
Industries Department, Fort St.George,
Chennai – 600 009.
2. The Commissioner of Land Administration
Chepauk, Chennai – 600 005.
3. The Managing Director,
M/s. Chennai Metro Rail Ltd.,
No.327, Anna Salai, Nandanam,
Chennai – 600 035.
4. The Special District Revenue Officer (LA)
Chennai Metro Rail Ltd.,
Nandanam, Chennai – 600 035.

...Respondents

Prayer :-

Writ Petition filed under Article 226 of the Constitution of India
praying for the issuance of a Writ of Certiorari to call for records pertaining



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to the notice issued under Section 3 (2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 by the fourth respondent dated 14.03.2024 and the consequent notice published under Section 3(1) of the said Act by the first respondent at Page Nos.41 & 42 of Part VI Section 1 of Tamil Nadu Government Gazette No.171 dated 24.05.2024 insofar as the land measuring an extent of 206 sq.mts comprised in R.S.No.50, Block No.10, Nungambakkam Village, Egmore Taluk, Chennai District, belonging to the petitioner trust is concerned and to quash the same.

For Petitioner : Mr.T.R.Rajagopalan
Senior Counsel for
M/s.A.E.Ravichandran

For Respondents 1, 2 & 4 : Mr.P.Sathish
Government Advocate

For Respondent-3 : Mr.B.Vijay
Standing Counsel

Order

The petitioner has filed this Writ Petition seeking for the following relief:-

i) To quash the notice issued under Section 3 (2) of the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997 (in short, '1997 Act') by the fourth respondent dated 14.03.2024 and the consequent notice published under Section 3(1) of the said Act by the first respondent in the



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Tamil Nadu Government Gazette No.171 dated 24.05.2024 insofar as the land measuring an extent of 206 sq.mts comprised in R.S.No.50, Block No.10, Nungambakkam Village, Egmore Taluk, Chennai District, belonging to the petitioner-Trust is concerned.

2. Mr.T.R.Rajagopalan, learned Senior Counsel for the petitioner would submit that initially, the respondents intended to acquire the petitioner's land to an extent of 6512 sq.ft., however, after considering the petitioner's representation, the extent of land was reduced to 1905 sq.ft. and ultimately, the same was also acquired. Subsequently, due to revised plan, the respondents intended to acquire additional extent of land, i.e 2.217 sq.ft of land, but, upon, representation made by the petitioner, the respondent intended to acquire 1140 sq.ft. of land from the petitioner. Under these circumstances, the petitioner has filed this Writ Petition seeking to stop the acquisition proceedings. Therefore, it is contended that if the present acquisition proceedings of the respondent is allowed, the petitioner-Trust would be put to great hardship.



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2.1 The learned Senior Counsel for the petitioner would further submit that the petitioner is a Trust and has put up a Commercial Complex, measuring a built-up area of 1.80 lakh sq.ft., situated at No.123 & 124 in Mahatma Gandhi Road, Nungambakkam, Chennai; that as per the approved building plan, the multi-storey shopping mall has to provide 132 four wheeler parking slops, 250 wheeler parking slots, out of these car parking area, an extent of 177 sq.mts or 1905 sq.ft. of parking area abetting the main Nungambakkam High Road was already acquired by the third respondent by first acquisition, due to which, frontage of the entire shopping complex, ingress and egress of the shopping complex were affected and resulted in parking problems and the area left for car parking has got drastically affected; that if the proposed second acquisition is allowed, the petitioner-Trust will lose another 106 sq.mts. of parking area and another 12 sq.mts on permanent basis by MOU, in total, 118 sq.mts. or 1270 sq.ft., parking area; resulting in the petitioner-Trust losing about 15 four wheeler parking area, in total, the petitioner-Trust would be put to loss of 30 four wheeler parking slots and 44 two wheeler parking slots and this reduction of car parking slots will have to be compensated by putting up a Rotary Mechanical Tower



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Car parking; that again, for putting up a Rotary Mechanical Tower Car parking facility, another 12 car parking slot area have to be sacrificed and another 12 car parking slot area for ingress and egress of the Rotary Mechanical Tower Car Parking, in total, the petitioner-Trust will be sacrificing 39 car parking slots (15+12+12) for the proposed second acquisition and that for putting up the Rotary Mechanical Tower Car Parking, the petitioner-Trust have to spend at least Rs.5.00 crores approximately.

2.2 Further, the learned Senior Counsel for the petitioner would submit that apart from the above difficulties, core concern of the petitioner-Trust is that as per the Fire Safety norms, the setback area around the building for movement of fire brigade vehicles, as per Rule 39 of the Tamil Nadu Combined Development and Building Rules, 2019 must be 7 metres for buildings upto 30 meters in height with an additional 1 meter for every 6 meter of additional height; the present height of the building is 100 feet, whileso, the mandatory minimum setback required for fire licence is 8 meters or 26.25 ft and if the Rotary Tower Car parking is put up on northern



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side (which is the only available space) and to compensate the loss of car parking, the side set back will be reduced to about 21 feet and if so, the Fire Department will not renew the yearly fire licence due to want of side set back; that if the fire licence is not granted or renewed in future, all the commercial establishments in the building cannot function, as the Fire Licence is mandatory and all the tenants will vacate making the entire building into worthless, which would certainly cause a major setback to the petitioner-Trust in carrying out several charitable activities from the revenue generated by way of rent from the building and its very objective will be permanently defeated.

2.3 Therefore, the learned Senior Counsel for the petitioner prays for appropriate orders either quashment of the acquisition proceedings, or, in the alternative, to direct the respondent-CMRL to explore the possibility of installment of lifts for the benefit of the public to reach the Metro Station, for which, there is enough space, instead of installation of escalators, in which case, the respondents can avoid the present acquisition, which course would be a win-win situation for both the petitioner and the respondents,



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or in the event, this Court is not asserting for such alternative option, prays for appropriate direction on the Fire and Licence Authority to relax the condition of the setback due to the acquisition of the setback area of the petitioner by the respondents.

3. Mr.B.Vijay, learned Standing Counsel for respondent No.3, CMRL would submit that since the petitioner has obtained an interim order as early as on 16.12.2024 and is in enjoyment of the benefit of the interim order as on date, the respondent-CMRL is not in a position to proceed further with the project, and hence, the entire work has been stalled and as on date, the respondent-CMRL have incurred an expenditure of more than Rs.10 crores.

3.1 Further, the learned Standing Counsel for the third respondent would further submit that initially, the land that was intended to acquire from the petitioner was 6512 sq.ft, however, considering the petitioner's representation, the same was re-considered and decided to acquire 1905 sq.ft and ultimately, the same was acquired; that subsequently, because of



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the revised land plan schedule, the requirement of the petitioner's land has been increased to an additional 2.217 sq.ft.s; that since the said acquirement is inevitable for the CMRL project, notification was issued in 15.03.2024 was issued, however, once again, representation was made by the petitioner, the respondent considered such representation positively and reduced the extent of land to 1140 sq.ft., and a show cause notice was also issued to the petitioner on 14.03.2024; that since the petitioner made a objection and also not come forward for direct discussion with regard to the fixation of land value for the proposed extent of the land to be acquired; that as per Section 4 (1) of the 1997 Act, when a notice under section 3 (1) is published in Tamil Nadu Government Gazette, the land to which, the said notice relates shall, on an from the date of such publication vest absolutely free from all encumbrance, accordingly, the objections raised by the petitioner in their letter dated 07.06.2024 and 24.06.2024 does not deserve any consideration, and therefore, the objection of the petitioner has been overruled and the fourth respondent issued an order dated 08.08.2024, directing the petitioner to surrender the land, failing which, as per Section 3(1) of the 1997 Act, if at any time, in the opinion of the Government, any land is required for



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industrial purpose, they may acquire such land by publishing in the Tamil Nadu Government Gazette, accordingly, issued consequential notice under Section 3 (1) of the said Act vice Gazette No.171 dated 24.05.2024.

3.2 Further, it is the submission of the learned Standing Counsel for the third respondent that acquisition is sought to be made only for the purpose of installation of escalators so as to aid the public to reach the Metro Station conveniently, with an intention to manage the crowds and avoid any congestion, and thus, only after taking into consideration of the welfare of the public at large, the acquisition is sought for, and in the course of taking any decision in regard to the said issue, the interest of the public will have to be the paramount consideration. Therefore, the request made by the learned Senior Counsel for the petitioner for exploring the possibility of adopting alternative option of installing lifts instead of escalators is not possible, inasmuch as, the usage of the lift cannot be equated with usage of the escalators. However, the learned Standing Counsel fairly submitted that due to acquisition of the petitioner's land, if the petitioner is faced with any financial constraints, certainly, the petitioner is entitled to seek for



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additional compensation, in the manner known to law, however, instead of doing so, the petitioner cannot remain as an obstacle for proceeding with the project and seek for droppage of the entire acquisition proceedings itself by way of filing the present Writ Petition, which is not permissible. In such premises, the learned Standing Counsel placed reliance on a decision rendered by the Hon'ble Supreme Court, in the case of **Ramniklal N.Bhutta and another Vs. State of Maharashtra and others**, reported in (1997) 1 S.C.C. 134.

4. I have given due considerations to the submissions made by Mr.T.R.Rajagopalan, learned Senior Counsel for the petitioner, Mr.P.Sathish, learned Government Advocate for respondents 1, 2 and 4 and Mr.B.Vijay, learned Standing Counsel for respondent No.3 and perused the materials placed on record.

5. In the present case, the petitioner has challenged the show cause notice dated 14.03.2024 issued by the fourth respondent under Section 3(2) of the 1997 Act to acquire the petitioner's land, measuring an extent of



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2.217 sq.fts and also the consequential notification published by the first respondent vide Gazette No.171 dated 24.05.2024.

6. The respondents intention to acquire the petitioner's land is for the welfare of the public, i.e for installation of escalators to facilitate them to reach the Anna Flyover Metro Station.

7. The grievance expressed by the petitioner is that, the petitioner is a public charitable non-religious Trust and owns a Commercial Complex, measuring a built-up area of 1.80 lakh sq.ft.,situated at No.123 & 124 in Mahatma Gandhi Road, Nungambakkam, Chennai, consisting of Office, space, shopping mall, etc. Initially, the land that was intended to acquire from the petitioner was 6512 sq.ft, however, considering the petitioner's representation, the same was re-considered and decided to acquire 1905 sq.ft and ultimately, the same was acquired; that subsequently, because of the revised land plan schedule, the requirement of the petitioner's land has been increased to an additional 2.217 sq.fts; that since the said acquirement is inevitable for the CMRL project, notification was issued in 15.03.2024



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was issued, however, once again, representation was made by the petitioner, the respondent considered such representation positively and reduced the extent of land to 1140 sq.ft., and a show cause notice was also issued to the petitioner on 14.03.2024. However, the petitioner made an objection and also not come forward for direct discussion with regard to the fixation of land value for the proposed extent of the land to be acquired and also filed the present Writ Petition seeking to stop the entire acquisition proceedings.

8. Now, the grievance of the petitioner-Trust that if such proposed second acquisition is allowed to take place, the same would ruin the entire business activities carried out by various tenants of the petitioner-Trust and the tenants would vacate the premises, resulting in business in loss to the petitioner-Trust and the entire building would become a waste asset, of no importance. However, this Court would like to point out herein that the interest of the public is of paramount importance than the interest of the individual.



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9. It is no doubt, true that, because of the second acquisition, the petitioner-Trust would certainly incur financial loss, however, as rightly submitted by the learned Standing Counsel for the third respondent that if the petitioner has been faced with any financial loss due to the proposed acquisition, the petitioner can very well seek for additional compensation, instead the petitioner cannot expect to stall the whole process of the Metro Rail project for his independent sake by virtue of the present Writ Petition, which is not possible. Further, the difficulties faced by the petitioner-Trust cannot be compared to the hardship to be faced by the public at large. Further, the Hon'ble Supreme Court, in the case of **Ramniklal N.Bhutta and another (referred to supra)** has categorically held that, "the power under [Article 226](#) is discretionary and such a power will be exercised only in furtherance of interests of justice and not merely on the making out of a legal point. And, in the matter of land acquisition for public purposes, the interests of justice and the public purposes coalesce. Thus, the very purpose of acquisition is only for the welfare of the public and in the course of deciding any matter in regard to the said issue, certainly, the interest of the public has to be given the paramount consideration



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10. Now, coming to the alternative option putforth by the learned Senior Counsel for the petitioner, as to why can't the respondent-CMRL can explore the possibility of installment of lifts for the benefit of the public to reach the Metro Station, for which, there is enough space, instead of escalators, in which case, the respondents can avoid the present acquisition itself and that it will be a win-win situation for both the petitioner as well as the third respondent, as rightly pointed out by the learned Standing Counsel for the third respondent-CMRL, the proposed second acquisition is sought to be made for the purpose of putting up escalators facilitating the general public to reach the Metro Station, and the service rendered by the escalators cannot be equated with service rendered by the lifts, and therefore, the request made by the learned Senior Counsel for the petitioner for exploring the possibility of adopting alternative option of installing lifts instead of escalators is not possible.

11. As far as the core concern of the petitioner-Trust that Fire Department will not renew the yearly fire licence due to want of side set back; that if the fire licence is not granted or renewed in future, all the



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commercial establishments in the building cannot function, as the Fire Licence is mandatory and all the tenants will vacate making the entire building into worthless, which would certainly cause a major setback to the petitioner-Trust in carrying out several charitable activities from the revenue generated by way of rent from the building and its very objective will be permanently defeated is concerned, the petitioner can very well approach the Fire and Licence Authority seeking for renewal of licence, in which case, the said Authority would consider the petitioner's request by taking into consideration of the extent of the property that is available with the petitioner-Trust, and would grant licence, in case of any denial, the petitioner can approach the Court of law to redress their grievance. At this stage, it would not be proper for this Court to issue such a direction, as sought for by the learned Senior Counsel for the petitioner and implead the Fire and Licence Authority as party to this proceedings.

12 . Thus, in such view of the matter, this Court does not find any merit in the Writ Petition. As such, the same is dismissed as being devoid of merits. Consequently, the order of interim stay granted by this Court dated



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16.12.2024 is vacated and W.M.P.No.38251 & 38252 of 2024 are closed

and the Miscellaneous Petition filed seeking vacation of the stay order in

W.M.P.No..28336 of 2025 is allowed. No costs.

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Index : yes/no

Neutral Citation : yes/no

To

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Krishnan Ramasamy,J.,

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