

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.02.2016

CORAM

THE HONOURABLE Mr. JUSTICE P.R.SHIVAKUMAR

C.R.P.[PD] No.224 of 2016
and C.M.P.No.1097 of 2016
and
C.R.P.[PD] No.225 of 2016
and C.M.P.No.1098 of 2016

Neyveli Lignite Corporation Limited,
Rep. by its Company Secretary,
Neyveli.

... Petitioner
in both CRP

Vs.

Chinnadurai [deceased]

1.Kalyani Ammal
2.Rajasekaran
3.Rajkumar
4.Rajesh
5.The Special Tahsildar [LA] 15,
Neyveli.

... Respondents
in CRP.224/2016

1.Ramalingam
2.The Special Tahsildar [LA] 15,
Neyveli.

... Respondents
in CRP.225/2016

Prayer in C.R.P.No.224 of 2016 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of return dated 02.12.2015 in the unnumbered I.A.No.[unnumbered of 2015] filed under Order 7 Rule 11 CPC in L.A.O.P.No.349 of 2013 on the file of the Special Sub Judge for Land Acquisition Cases, Cuddalore and for a consequential direction to the Reference Court [The Special Sub-Judge for Land Acquisition Cases, Cuddalore] to number the unnumbered IA.

Prayer in C.R.P.No.225 of 2016 : Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the order of return dated 02.12.2015 in the unnumbered I.A.No.[unnumbered of 2015] filed under Order 7 Rule 11 CPC in L.A.O.P.No.56 of 2014 on the file of the Special Sub Judge for Land Acquisition Cases, Cuddalore and for a consequential direction to the Reference Court [The Special Sub-Judge for Land Acquisition Cases, Cuddalore] to number the unnumbered IA.

For Petitioner : Mr.N.Nithianandam
in both CRPs

COMMON ORDER

These Civil Revision Petitions are sought to be filed against the rejection of applications filed under Order VII Rule 11 of C.P.C. in the references made by the Land Acquisition Officer under Section 18 of the Land Acquisition Act, 1894, for the rejection of the claim.

2. Reference under Section 18 of the Land Acquisition Act, 1894, cannot be treated as a suit. The court has to answer the reference. Therefore, there shall be no question of rejecting either the reference or the claim statement made by the claimant, on whose request or on whose refusal to receive the compensation awarded by the Land Acquisition Officer, the reference came to be made. If at all, the respondents in the reference are aggrieved by the reference, they should have challenged the reference itself in the manner known to law before the appropriate

forum and this court need not say, what is the forum in which such a challenge is to be made by the requisitioning body, namely, Neyveli Lignite Corporation Limited, for whose benefit land acquisition was made. Requisitioning body is made a party to the reference, only in order to give an opportunity to the requisitioning body to put forth its case that the compensation awarded is reasonable. In any event, in a reference under Section 18 of the Land Acquisition Act, 1894, the Court of reference cannot reduce the amount awarded by the Land Acquisition Officer, because, it is deemed to be the offer made by the Government for the compulsory acquisition of the land. The question to be decided by the Land Acquisition Court is, whether the amount offered by the Government is not reasonable and if so, what is the reasonable amount to be fixed as compensation. The very scheme provided therein will make it clear that the reference and the claim statements cannot be equated with a suit or plaint in a civil suit so as to attract Order VII Rule 11 of C.P.C.

3. The learned Trial Judge, namely, the Judge of the reference court has correctly decided that the petitions filed under Order VII Rule 11 were not maintainable and rejected the petitions in the unnumbered stage itself. There is nothing wrong in the order passed by the trial court. There is no substance in the challenge made in these Civil Revision Petitions.

4. However, after the court completed the dictation of the order, learned counsel for the petitioner expressed his readiness to withdraw the Civil Revision Petitions. Though it shall not be proper for a party, after the order has been dictated, to come forward with such plea. This court, taking lenient view, grants

permission to withdraw the Civil Revision Petitions. Endorsements to that effect have been made. Endorsements are recorded and the Civil Revision Petitions are dismissed as withdrawn. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.02.2016

Index : Yes/No
Internet : Yes/No

gya

To
The Special Sub Judge [Land Acquisition],
Cuddalore.

P.R.SHIVAKUMAR, J.

gya

C.R.P.[PD] No.224 of 2016
and C.M.P.No.1097 of 2016
and
C.R.P.[PD] No.225 of 2016
and C.M.P.No.1098 of 2016

09.02.2016