

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

C.R.P.(NPD).No.4015 of 2017
and
C.M.P.Nos.18793 to 18795 of 2017

I.Shanmuga Durai .. Petitioner

Vs.

1. The Special Tahsildar,
Land Acquisition,
M.M.D.A. No.72, Anna Salai,
Guindy, Chennai-600 032.

2. M.K.Duraisamy Achari .. Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India against the petition and docket order passed by the Sub-Court, Ponneri in I.A.Sr.No.5620 of 2017 in LAOP No.229 of 2015 and consequently to number the said I.A.Sr.No.5620 of 2017 in LAOP No.229 of 2015.

For Petitioner : Mr. AR.L.Sundaresan, (Senior Counsel)
for M/s.T.Vijay

For Respondents : Mr.T.Jaya Ramaraj
Government Advocate (C.S.)

ORDER

The petitioner has filed this Civil Revision Petition to set aside the order passed by the Sub-Court, Ponneri in I.A.Sr.No.5620 of 2017 in LAOP No.229 of 2015 and consequently to number the said I.A.Sr.No.5620 of 2017 in LAOP No.229 of 2015.

2. The learned counsel for the petitioner would submit that the petitioner is the power of attorney and the private respondent is the owner of the land situated in Survey Nos.767/3A, 778/1A, 785/3A1, 767/2B2, 768/1 and 778/1B measuring for a total extent of 3.07 cents situated at Madhavaram Village.

3. According to the petitioner that the 1st respondent has acquired a land under the land acquisition Act and the enhanced compensation award has been passed in LAOP No.229 of 2015. There is a dispute to withdrawal of deposited amount. Hence, referred under Section 30 of the Land Acquisition Act for depositing the compensation amount before the Sub-Court, Ponneri.

4. According to the learned Senior Counsel for the petitioner, the said enhanced compensation amount has been now lying under Sub-Court, Ponneri. The learned counsel for the petitioner submitted that the power of attorney was executed by the private respondent. On the basis of the power of attorney executed by the private respondent, the petitioner has filed an application to implead as necessary party in the LAOP No.229 of 2015. But, however, the Court below has returned the said application, by stating that already LAOP was disposed of on 02.09.2015, hence, the aforesaid application is not maintainable. Challenging the rejection of application, the petitioner preferred this Revision before this Court.

5. According to the learned Senior Counsel for the petitioner, now the private respondent/land owner has filed the application for taking steps to withdraw the above said deposited amount from the court below. Therefore the petitioner is the necessary party in the aforesaid application, since the aforesaid power of attorney is in force as on today. By considering the aforesaid submissions made by the learned counsel for the parties, at this stage, This Court is inclined to pass the following orders:

i) The petitioner is permitted to re-present the said application on or before 03.11.2017 with necessary explanation.

ii) If the said application is in order, the same shall be numbered by the Court below subject to the objections of maintainability of the application raised by the Court below, will be decided at the later stage.

iii) In view of urgency, the Court below is directed to number the said application as expeditiously as possible.

With the above directions, this Civil Revision Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

01.11.2017

Index: Yes/No
Speaking Order/Non-Speaking Order
ssn

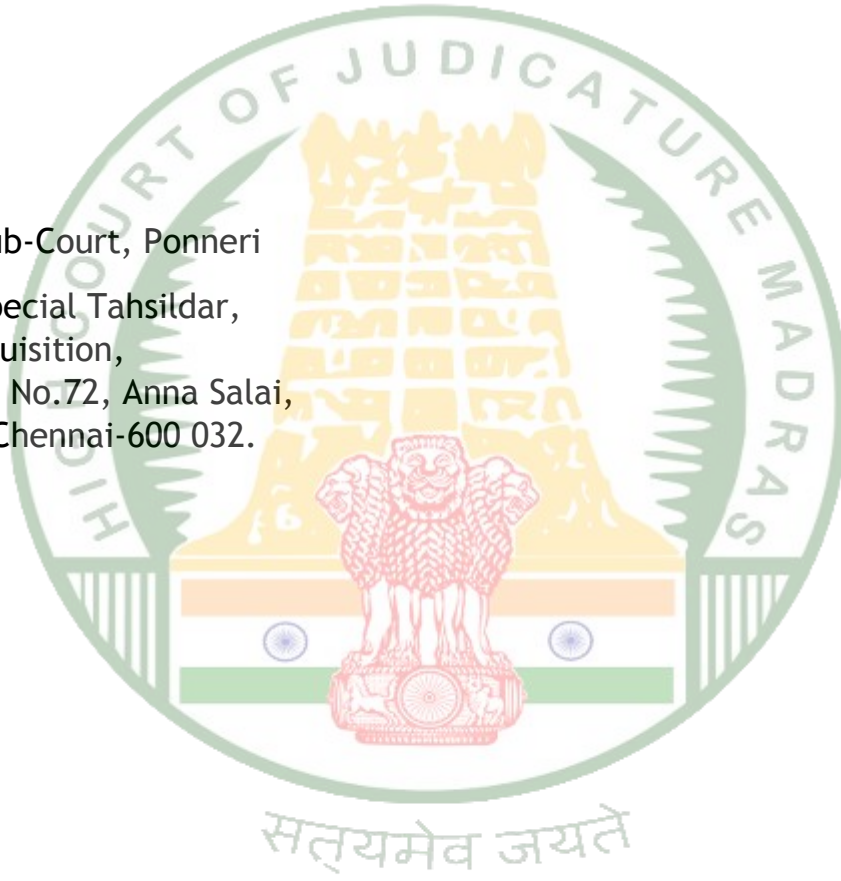
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To

1. The Sub-Court, Ponneri

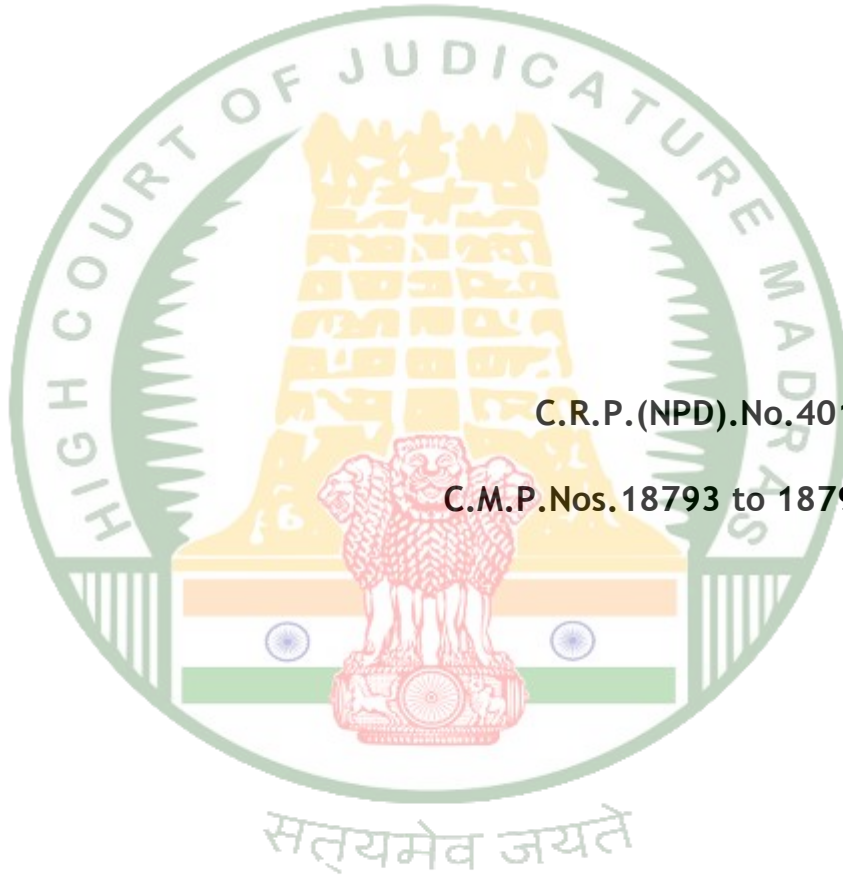
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D. KRISHNAKUMAR, J.,

ssn



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