

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: **21.06.2017**

CORAM:

THE HONOURABLE MR.**JUSTICE K.K.SASIDHARAN**

C.R.P.(P.D).Nos.1722 and 1738 of 2011 and
M.P.No.1 of 2014

Elumalai

...Petitioner in
both CRPs.

Vs.

1.The Special District Revenue Officer
Land Acquisition, National Highways
Villupuram.

2.Varadhan
3.Balasubramanian
4.Lakshmi Narayanan
5.Suseela
6.Navanandam
7.Uma Maheswari

...Respondents in
both CRPs.

Prayer:- Civil Revision Petitions filed under Article 227 of the Constitution of India, against the fair and decreetal order dated 14.12.2010 passed in I.A.Nos.218 and 235 of 2010 respectively in L.A.O.P.No.101 of 2008 on the file of the II Additional Subordinate Judge, Villupuram.

For Petitioner : Ms.G.Sumithra (in both CRPs)

For Respondents : Mr.T.Jayaramaraj for R1
Government Advocate
Mr.J.Prithivi for
Mr.S.Kaithamalai Kumaran
for R2 to R6
Mr.D.Ravichander for R7
(in both CRPs)

COMMON ORDER

The petitioner, who is stated to be an agreement holder filed a suit for specific performance. The suit was decreed by the Trial Court. The respondents 2 to 4 filed first appeal challenging the judgment and decree in O.S.No.194 of 1998 before the District Court, Villupuram in A.S.No.13 of 2013. During the currency of the legal proceedings a portion of the property was acquired by the Government for widening the National Highways. The reference made under Section 30 of the Land Acquisition Act, was taken on file before the II Additional Subordinate Judge, Villupuram. During the currency of the reference proceedings, the parties settled the matter. The petitioner, being the decree holder in O.S.No.194 of 1998 opposed the settlement. The Reference Court, notwithstanding the said objection directed compromise to be recorded. The said order is under challenge in these Civil Revision Petitions.

2. Heard the learned counsel for the petitioner. I have also heard the learned counsel for the respondents 2 to 6 and the learned counsel for the seventh respondent.

3. There is no dispute that the petitioner obtained a decree for specific performance. The decree is now under challenge before the first Appellate Court. The issue before the Reference Court in L.A.O.P.No.101 of 2008 was as to whether the respondents are entitled to apportion the amount. There is no specified property allotted to the petitioner so far. The decree for specific performance is yet to be executed. There is no question of permitting the petitioner to oppose the settlement between the claimants before the Reference Court. It is always open to the petitioner to take appropriate action against his vendors in the manner known to law.

4. The learned Trial Judge was perfectly correct in permitting the respondents 2 to 7 to arrive at a settlement with regard to the amount to be apportioned among them in I.A.No.218 of 2010. I am therefore of the view that there is no merit in the contention taken by the petitioner.

5. The petitioner filed an application in I.A.No.235 of 2010 seeking stay of further proceedings in LAOP No.101 of 2008. The learned Trial Judge dismissed the said application. There is no question of staying the land acquisition proceedings initiated under Section 30 of the Land Acquisition Act, at the instance of a purchaser of an undivided property nothing prevented the petitioner from filing appropriate application before the Appellate Court.

6. In the upshot, I dismiss the civil revision petitions. No costs. Consequently, connected miscellaneous petition is closed

21.06.2016

dna/svki

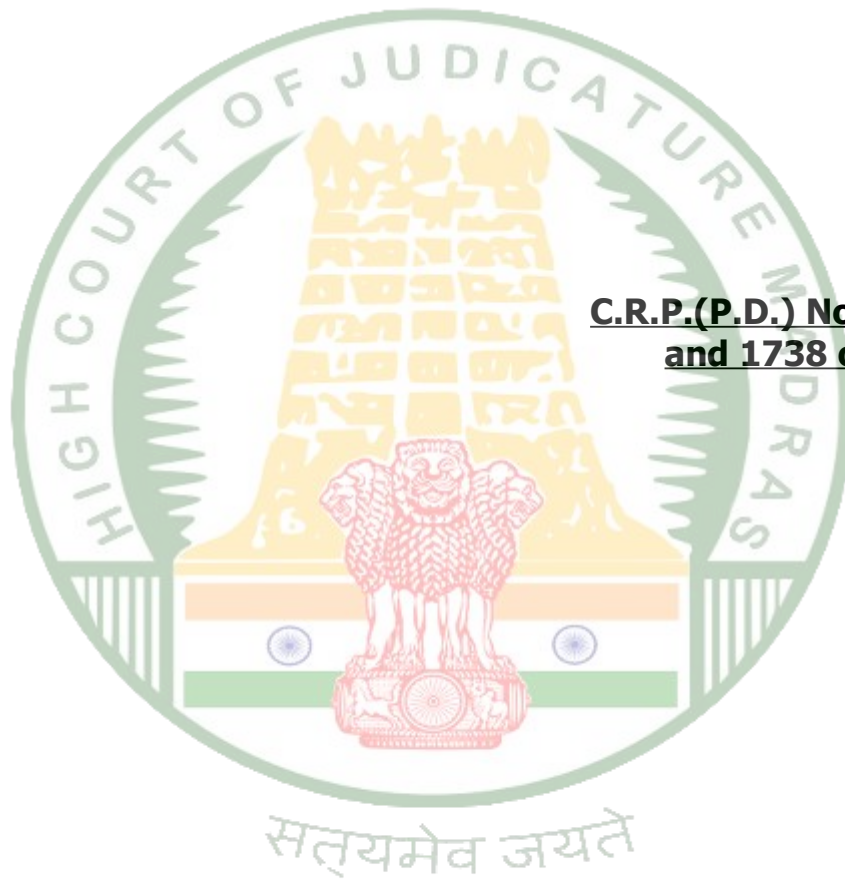
To

1.The Special District Revenue Officer
Land Acquisition, National Highways
Villupuram.

2.The II Additional Subordinate Court,
Villupuram.

K.K.SASIDHARAN.J,

dna



**C.R.P.(P.D.) Nos.1722
and 1738 of 2011**

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