IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:06.04.2017

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THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

Civil Revision Petition (NPD) No.581 of 2017

V.Sellappan .. Petitioner

/versus/

The Special Tahsildar,
Land Acquisition,
Namakkal, Namakkal District. .. Respondent

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India praying to direct the Registry of I Additional Principal District Judge, Namakkal to number the suit in I.A.SR.No.536 of 2016 which was presented on 20.10.2016 within a reasonable to be fixed.

For Petitioner :Mr.K.A.Mariappan

O R D E R

This Civil Revision Petition has been filed to direct the Registry of I Additional Principal District Judge, Namakkal, to number the suit in I.A.SR.No.536 of 2016, which was presented on 20.10.2016, within a reasonable time to be fixed by this Court.

2. According to the petitioner, the petitioner has filed a petition in L.A.O.P.No.101 of 2007 before the Additional District Judge, Namakkal for

compensation and the same was allowed on 12.02.2014. Subsequently, the petitioner has filed an application in I.A.SRNo.536 of 2016 in L.A.O.P.No.101 of 2007 to withdraw the award amount already deposited by the respondent herein before the I Additional District Court, Namakkal and the said application was returned by the Court below on the ground that the petitioner has to obtain 'No Objection' from the previous counsel for change of appearance of the present counsel.

3. The learned counsel appearing for the petitioner, by relying upon the decision of Karnataka High Court in ***[Karnataka Power Transmission Corporation Ltd., Rep.by Executive Engineer(ELEC) TL & SS Division, KPTCL, Mysore 570 021 v. M.Rajasekar and others dated 02.12.2016]*** re-presented the case on 04.02.2015. Without considering the said judgment, again the Court below has returned the said application for the very same reason. Hence, the petitioner has preferred the present civil revision petition before this Court for the aforesaid prayer.

4. By considering the submission made by the learned counsel appearing for the petitioner that the petitioner has filed the application in I.A.SR.No.536 of 2016 to withdraw the deposited award amount before the Court below; the said application has been returned for the reason stated that the petitioner has to obtain no objection from the concerned previous counsel; the petitioner has re-presented, explained and also relied upon the decision of the Karnataka High

Court cited supra, the Court below has returned the said papers and also in the light of the decision cited supra, this Court is inclined to pass the following order:

(i)The petitioner is directed to re-present the I.A.SR.No.536 of 2016 in L.A.O.P.No.101 of 2007 before the I Additional Principal District Judge, Namakkal within a period of one week from the date of receipt of a copy of this order.

(ii)The I Additional Principal District Judge, Namakkal is directed to number the application in I.A.SR.No.536 of 2016 in L.A.O.P.No.101 of 2007, if it is otherwise in order.

(iii)The I Additional Principal District Judge, Namakkal is directed to consider the said application on merits and in accordance with law after affording opportunity to the parties concerned including the maintainability of the petition.

5. Accordingly, the civil revision petition is disposed of with the above directions. No costs.

06.04.2017

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Note: Registry is directed to return the original Interim Application I.A.SR.No.536 of 2016 filed before this Court, after substituting the copy of the same in the bundle.

Issue order copy on 10.04.2017

To

I Additional District Judge,
Namakkal.

D.KRISHNAKUMAR,J.

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C.R.P.(NPD)No.581 of 2017

06.04.2017