

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 02.03.2018

CORAM

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

CIVIL REVISION PETITION (PD) Nos.3022 to 3024 of 2017
and C.M.P.Nos.14199 to 14201 of 2017

- 1.Mr.Aiyulu
- 2.Mr.Govindarajan
- 3.Mr.Gopal
- 4.Mrs.Nagammal
- 5.Mr.Ragu
- 6.Mr.Jaganathan
- 7.Mr.Govindasamy
- 8.Mr.Dayalan
- 9.Smt.Sumathi
- 10.Mr.Ramu @ Raman
- 11.Mrs.Annammal
- 12.Mr.Jayapal
- 13.Mr.Elumalai
- 14.Mr.Vasan
- 15.Mr.Kuppan



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16.Mr.Kuppusami

17.Mr.Shanmugam

18.Mr.Latchumanan

19.Mrs.Rani

20.Mr.Koteeswaran

.. Petitioners
in C.R.P.Nos.3022, 3023
3024 of 2017

1.Mrs.Sakunthala

2.The Special Tahsildar (L.A.),
Unit-II, Kannankottai -
Thervoy Kandigai Reservoir Scheme,
Telegu Colony,
Kavaraipettai, Kavaraipettai Post,
Gummidipoondi Taluk,
Thiruvallur District 610 206.

3.The Executive Engineer,
Public Works Department,
Kannankottai Village,
Gummidipoondi Taluk,
Thiruvallur District 610 206.

4.Smt.Vidhya Rameshwar Rao,
Having Office at Orient
Blackswan Pvt. Ltd.,
E-2, Sector - 8,
Noida 201 301.

5.M/s.Kannankottai Dr.Ambedkar
Narpani Sangam,
Rep. by its President -
Mr.E.Thiruvadam,

Kannankottai Village,
Gummidipoondi Taluk,
Thiruvallur District.

.. Respondents
in C.R.P.No.3022 of 2017

1.Thara

2.Minor K.Nikila
Rep. by her mother & natural Guardian,
No.1/1A, Jaannathan Nagar,
Arumbakkam,
Chennai 600 106.

3.The Special Tahsildar (L.A.),
Unit-II, Kannankottai -
Thervoy Kandigai Reservoir Scheme,
Telegu Colony,
Kavaraipettai, Kavaraipettai Post,
Gummidipoondi Taluk,
Thiruvallur District 610 206.

4.The Executive Engineer,
Public Works Department,
Kannankottai Village,
Gummidipoondi Taluk,
Thiruvallur District 601 206.

5.Vidhya Rameshwar Rao,
Having Office at Orient
Blackswan Pvt. Ltd.,
E-2, Sector - 8,
Noida 201 301.

6.M/s.Kannankottai Dr.Ambedkar
Narpani Sangam,
Rep. by its President -
Mr.E.Thiruvadam,
Kannankottai Village,
Gummidipoondi Taluk,
Thiruvallur District.

.. Respondents
in C.R.P.No.3023 of 2017

1.Minor Indhu,
Rep. by her mother C.Bama,
No.355, Ma.Po.C.Salai,
Thiruthani Taluk,
Thiruvallur District.

2.Minor Kanishka,
Rep. by her mother C.Bama,
No.355, Ma.Po.C.Salai,
Thiruthani Taluk,
Thiruvallur District.

3.The Special Tahsildar (L.A.),
Unit-II, Kannankottai -
Thervoy Kandigai Reservoir Scheme,
Telegu Colony,
Kavaraipettai, Kavaraipettai Post,
Gummidipoondi Taluk,
Thiruvallur District 610 206.

4.The Executive Engineer,
Public Works Department,
Kannankottai Village,
Gummidipoondi Taluk,
Thiruvallur District 601 206.

5.Vidhya Rameshwar Rao,
Orient Blackswan Pvt. Ltd.,
E-2, Sector - 8,
Noida 201 301.

6.M/s.Kannankottai Dr.Ambedkar
Narpani Sangam,
Rep. by its President -
Mr.E.Thiruvadam,
Kannankottai Village,
Gummidipoondi Taluk,
Thiruvallur District.

.. Respondents
in C.R.P.No.3024 of 2017

The Civil Revision Petitions filed under Article 227 of the Constitution of India to set aside the orders and decretal orders dated 30.06.2017 in I.A.Nos.142, 143 and 144 of 2017 in L.A.O.P.Nos.13, 14 and 15 of 2014 on the file of the learned Subordinate Judge, Ponneri and consequently, direct to implead the petitioners as party respondents in the above L.A.O.Ps.

For Petitioners ... Mr.N.Nithianandam
(for all the petitions)

For Respondents ... Mr.Thomas T.Jacob
for R.1
Mr.Vengadesh Kumar G.A.(C.S),
for R.2 and R.3
Mr.R.Kumar
for R.4
Mr.P.Anbarasan
for R.5
(for all the petitions)

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the order and decretal orders dated 30.06.2017 passed in I.A.Nos.142, 143 and 144 of 2017 in L.A.O.P.Nos.13, 14 and 15 of 2014 passed by the learned Subordinate Judge, Ponneri and consequently, direct the Court below to implead the petitioners as party respondents in the above L.A.O.Ps.

2. Heard the learned counsel for the petitioners, the learned counsel for the respondents and the learned Government Advocate and perused the materials available on record.

3(i). According to the petitioners, the property comprised in Old Survey No.142/3 and New Survey Nos.142/2A, 142/2B and 142/2C situated at Kannankottai Village, Gummidipoondi Taluk, Thiruvallur District along with other adjacent lands came to be acquired for the formation of new Reservoir known as Kannakottai-Thervoykandigai Reservoir Scheme under the provisions of Central Act 1 of 1984. For acquisition, the Government issued notice under Section 4(1) of the Central Act 1 of 1984 on 16.06.2013. Since the lands were urgently required, the Special Tahsildar (L.A.), Unit-II, Kannankottai-Thervoy Kandigai Reservoir Scheme, Thiruvallur invoking under Section 17(1) of Central Act 1 of 1894 dispensed with Section 5A and 6 declaration and proceeded with the land acquisition proceedings. Thereafter, the Central Act 1 of 1894 was replaced by New Central Act 30 of 2013 namely, the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. The Special Tahsildar (L.A.), Unit-II, Kannankottai-Thervoy Kandigai Reservoir Scheme, Thiruvallur, taking into account the New Central Act 30 of

2013, passed an interim award No.6 of 2014 dated 05.03.2014 and further stated in the Award that under the provisions of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 the additional compensation would be determined later and paid to the interested persons.

(ii).In the meanwhile, Smt. Vidhya Rameshwar Rao allegedly claiming to be the owner of the subject properties, made a representation to the Special Tahsildar (L.A.), Unit-II, Kannankottai-Thervoy Kandigai Reservoir Scheme, Thiruvallur. Since there is a dispute in the apportionment of compensation amount, the Special Tahsildar (L.A.), Unit-II, Kannankottai-Thervoy Kandigai Reservoir Scheme, Thiruvallur, by proceedings dated 26.05.2014 referred the matter under Sections 30 and 31 of the Central Act 1 of 1984 to the Sub-Court, Ponneri and deposited the interim compensation determined in Award No.6 of 2014, dated 05.03.2014 and the said references were numbered as L.A.O.P.Nos.13 to 15 of 2014 namely, the reference for Old Survey No.142/3 and New Survey No.142/2A was numbered as L.A.O.P.No.13 of 2014, Old Survey No.142/3 and New Survey No.142/2B was numbered as L.A.O.P.No.14 of 2014 and Old Survey No.142/3 and New Survey No.142/2C was numbered as L.A.O.P.No.15 of 2014.

(iii).At this stage, the petitioners herein have filed applications in I.A.Nos.142, 143 and 144 of 2017 in L.A.O.P.Nos.13 to 15 of 2014 to implead them as respondents Nos.6 to 25 in L.A.O.P.Nos.13 to 15 of 2014 claiming that they are the cultivating tenants of the property situated at Kannankottai Village in S.F.No.142/2A, 142/2B and 142/C (Old Survey No.142/3) and hence, they are entitled for the compensation from the deposited amount. The Court below dismissed the said applications by order dated 30.06.2017, by holding that according to the learned counsel for Smt.Vidhya Rameshwar Rao, the petitioners are the cultivating tenants of the lands in S.F.No.142/3, which is not the subject matter of acquisition and the said lands were classified as grazing ground poromboke land and the same is unrelated to the above L.A.O.P. The land comprised in S.F.No.142/2A (Old Paimesh No.317) alone was acquired by the Government. Aggrieved by the said order, the present Civil Revision Petition has been filed.

4.The learned counsel for the petitioners submitted that though the petitioners have specifically mentioned the Survey Numbers of the lands, which are situated at Old Survey No.142/3 and New Survey Nos.142/2A, 142/2B and 142/2C and they are the cultivating tenants of the said land for several decades, the Court below, without

considering the above facts, erroneously dismissed the application. Therefore, the impugned orders passed by the Court below are liable to be set aside.

5.The learned counsel for petitioners further submitted that interim award was passed under Section 10 of the Central Act and the final award yet to be passed by the Special Tahsildar (L.A.), Unit-II, Kannankottai-Thervoy Kandigai Reservoir Scheme, Thiruvallur. The petitioners are the cultivating tenants of the said lands for several decades, they would be satisfied if they were impleaded as parties to the said L.A.O.Ps to put forth their claim.

6.The learned counsel for the petitioner submitted that pursuant to the direction issued by this Court in Civil Revision Petition Nos.2832, 2833 and 2834 of 2016 on 28.09.2016, the above L.A.O.Ps. have been disposed of by the Court below on 22.12.2017 and hence, the present Civil Revision petitions have become infructuous.

7.The learned counsel for 4th respondent in C.R.P.No.3022 of 2017 submitted that the Court below has rightly dismissed I.A.Nos.142 to 144 of 2017 holding that the lands in S.F.No.142/3 is not the

subject matter of acquisition. Therefore, the orders passed by the Court below do not warrant interference by this Court.

8. In view of the fact that L.A.O.Ps were disposed of, nothing survives in the Civil Revision Petitions. However, considering the above facts and to meet the ends of justice, this Court is inclined to dispose of the Civil Revision Petitions with liberty to the petitioners to approach the concerned authority and make their applications before him in the final award that they are the cultivating tenants under the subject matter of the petitioner's property by producing necessary documents. If the concerned authority is satisfied, he can dispose of the said applications in accordance with law, after affording opportunity of hearing to both sides, without being influenced by the order passed in I.A.Nos.142 to 145 of 2017 and in the present Civil Revision Petitions.

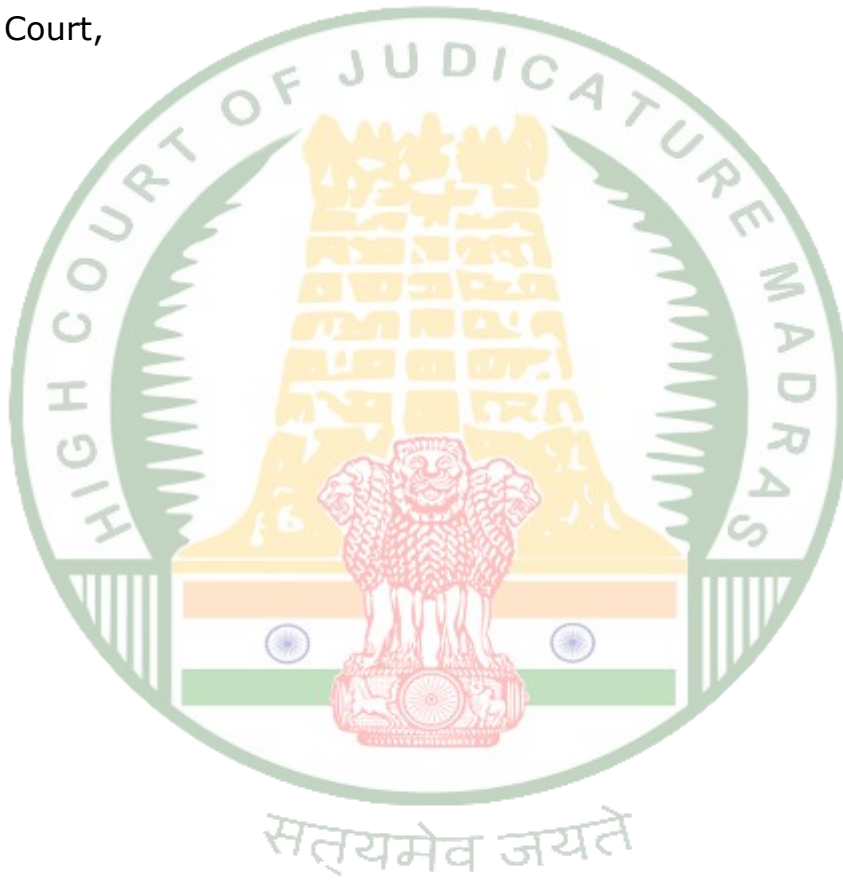
9. The Civil Revision Petitions are disposed of with the above observations. No costs. Consequently, connected miscellaneous petitions are closed.

02.03.2018

Speaking/Non Speaking order
Index: Yes/No.

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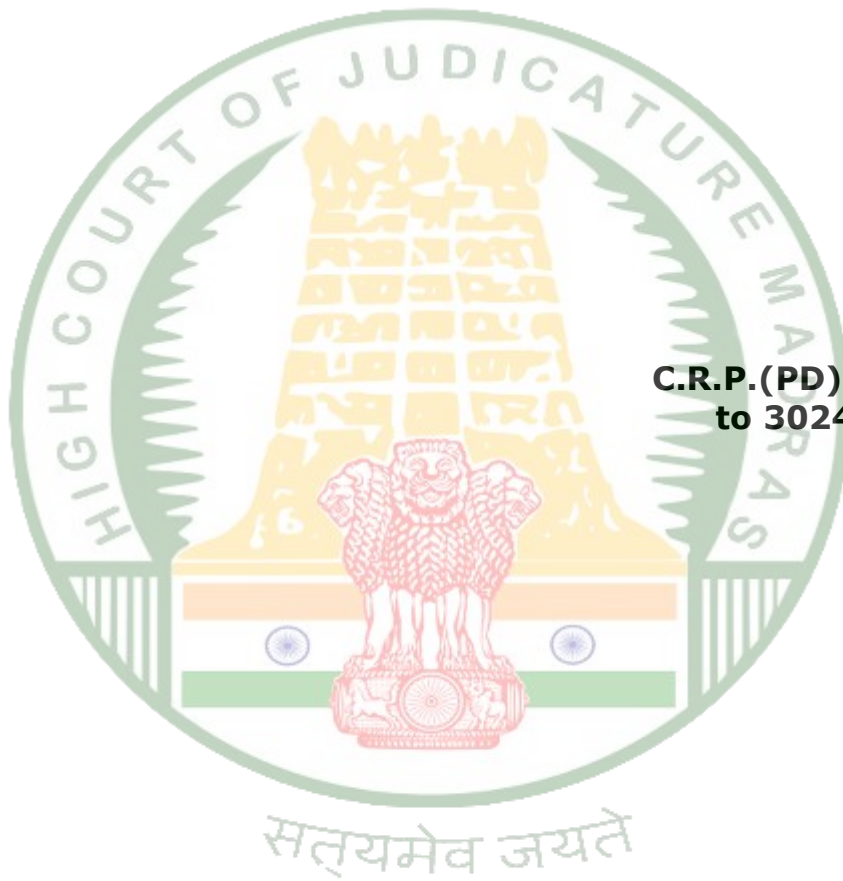
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D.KRISHNAKUMAR,J.

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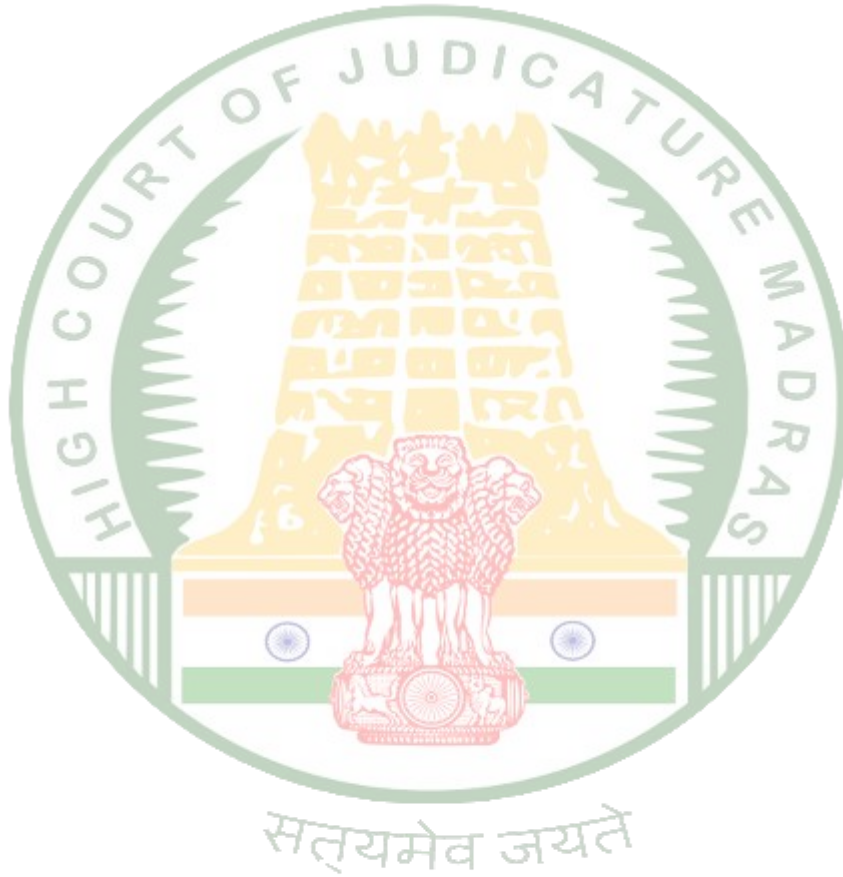


**C.R.P.(PD)Nos.3022
to 3024 of 2017**

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Date: 02.03.2018

The reference for Old Survey No.142/3 and New Survey No.142/2A was numbered as L.A.O.P.No.13 of 2014, Old Survey No.142/3 and New Survey No.142/2B was numbered as L.A.O.P.No.14 of 2014 and Old Survey No.142/3 and New Survey No.142/2C was numbered as L.A.O.P.No.15 of 2014.



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