

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAIWAMY

C.R.P.No.2432 of 2013

B.Narasimman

... Petitioner

Vs.

1.The Special Tahsildar (Land Acquisition),
Unit - IV, TNHB, Nandanam, Chennai - 35.

2.A.Kuppusamy

... Respondents

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order dated 01.08.2012 made in I.A.No.78 of 2011 in L.A.O.P.No.18 of 1989 on the file of the Subordinate Judge, Tiruvallur.

For Petitioner : Mr.M.S.Subramanian

For Respondents : Mr.Dev Narendran,
Government Advocate (CS) (R1)
Mr.P.Wesley Isaac (R2)

ORDER

Challenging the order passed in I.A.No.78 of 2011 in L.A.O.P.No.18 of 1989 on the file of the Subordinate Court, Tiruvallur, the petitioner, who is a 3rd party to the proceedings in L.A.O.P.No.18 of 1989, has filed the Civil Revision Petition.

2.It is the case of the petitioner that the land of the 2nd respondent was acquired by the 1st respondent and a reference was made under Section 18 of the Land Acquisition Act for enhancing the compensation. The Reference Court also enhanced the compensation. As against the same, an appeal was filed and the appeal was also disposed of. Thereafter, the petitioner, claiming right over the acquired property, filed an application in I.A.No.78 of 2011 claiming a share in the compensation.

3.Admittedly, the petitioner remained silent throughout the proceedings. It is settled position that a person, who was not before the Land Acquisition Officer, cannot successfully maintain an application for impleading as a party under Order 1 Rule 10 of the Code of Civil Procedure in the reference proceedings under Section 18 of the Land Acquisition Act.

4.Admittedly, the petitioner was not a party before the Land Acquisition Officer, therefore, the impleading application filed under Order 1 Rule 10 of the Code of Civil Procedure cannot be entertained. The Reference Court has rightly dismissed the application. I do not find any error

or irregularity in the order passed by the Reference Court. The Civil Revision
Petition is dismissed. No costs.

Index : Yes/No
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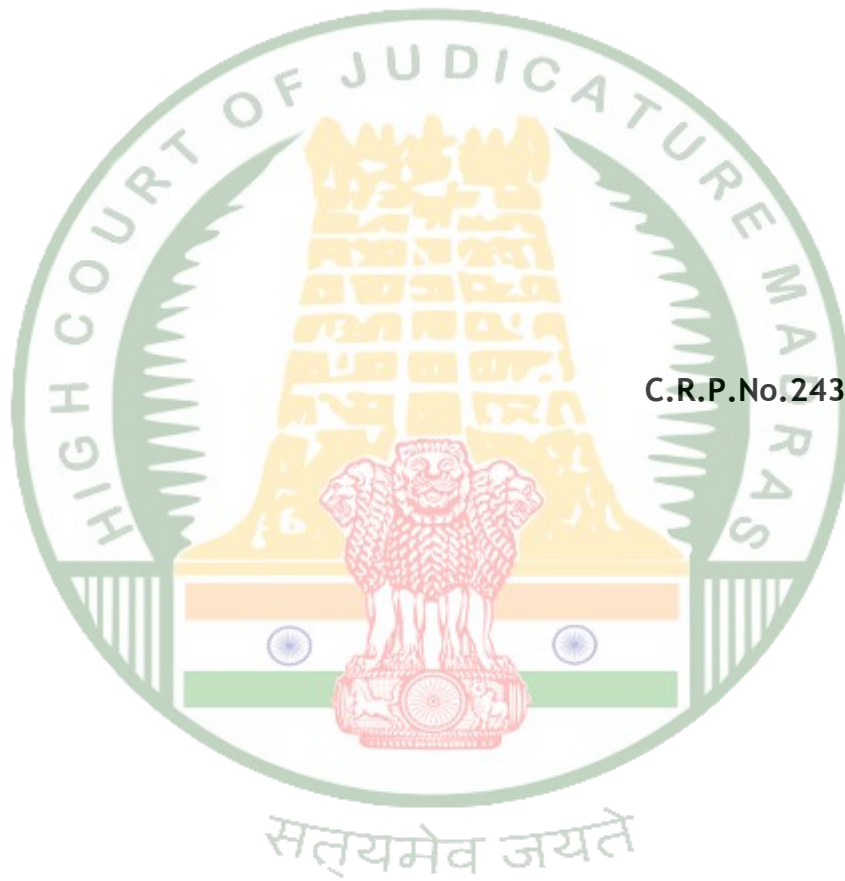
The Subordinate Judge, Tiruvallur



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M. DURAISWAMY,J.

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