

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(NPD).Nos.1655 and 1656 of 2018
and
C.M.P.Nos.8987, 8988 and 8989 of 2018

C.R.P.(NPD).No.1655 of 2018:

1.Krishnamurthy
2.Pachayappan

...Petitioners/Respondents/
Claimants

Vs

1.The Revenue Divisional Officer,
Thiruvannamalai District,
Thiruvannamalai.

...Respondent/Respondent/
Referring Officer

2.K. Kumar

3.K. Annamalai

...Respondents/Petitioners

C.R.P.(NPD).No.1656 of 2018:

1.Krishnamurthy
2.Pachayappan

...Petitioners/Respondents/
Claimants

Vs

1.The Revenue Divisional Officer,
Thiruvannamalai District,
Thiruvannamalai.

...Respondent/Respondent/
Referring Officer

2.K. Annamalai

...Respondent/Petitioner

PRAYER in C.R.P.(NPD).No.1655 of 2018: Civil Revision
Petition filed under Article 227 of the Constitution of India
seeking direction to reject C.M.P.No.1 of 2017 in L.A.O.P.No.17
of 2002 on the file of the learned Principal Sub Judge,
Thiruvannamalai.

PRAYER in C.R.P.(NPD).No.1656 of 2018: Civil Revision
Petition filed under Article 227 of the Constitution of India
seeking direction to reject I.A.No.28 of 2018 in L.A.O.P.No.17 of
2002 on the file of the learned Principal Sub Judge,
Thiruvannamalai.

For Petitioners : Mr.R. Rajarajan
in both revisions

For Respondents: Mr.J. Pothiraj
No appearance for R1
vide Court order dated 09.05.2018

Ms.AL. Gandhimathi for R2 and R3
in both revisions

COMMON ORDER

The above Civil Revision Petitions are filed challenging the order passed by the learned Principal Subordinate Judge, Thiruvannamalai, in impleading the 2nd and 3rd respondents as parties in the L.A.O.P. proceedings without a formal petition.

2.From a perusal of the records, it is seen that the procedure has not been rightly followed, however, the substantial case has been made out by the respondents 2 and 3, who are the children of the pre-deceased daughter of the original owners and lands have been acquired in which the money is lying to the credit of L.A.O.P.No.17 of 2002.

3.As rightly pointed out by the petitioners, the procedure adopted is not correct, however, liberty is given to the respondents 2 and 3 to file a formal application seeking to implead themselves as parties in the Payment Out Petition

pending in the L.A.O.P. The respondents 2 and 3 are claiming 1/3rd share in the amount lying in deposit and the remaining 2/3rd amount is payable to the revision petitioner herein.

4.The learned Principal Subordinate Judge, Thiruvannamalai, is directed to number the application which the respondents 2 and 3 will file for impleading themselves and thereafter, the learned Judge shall proceed to pass orders on the impleading application after hearing the revision petitioners. 1/3rd of the amount deposited to the credit of L.A.O.P.No.17 of 2002 shall remain in deposit and the balance 2/3rd shall be given to the revision petitioners herein.

5.The learned Principal Subordinate Judge, Thiruvannamalai, shall dispose of the application within a period of two months from the date of filing of the petition by the respondents 2 and 3. The learned Principal Subordinate Judge shall proceed to consider the application for impleading without

being influenced by the orders passed in Writ Petition filed by the Revenue Authorities and shall independently consider the petition.

Accordingly, these Civil Revision petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

05.03.2019

Index : Yes/No
Internet : Yes/No
mps

Note to office:
Issue order copy on 29.03.2019

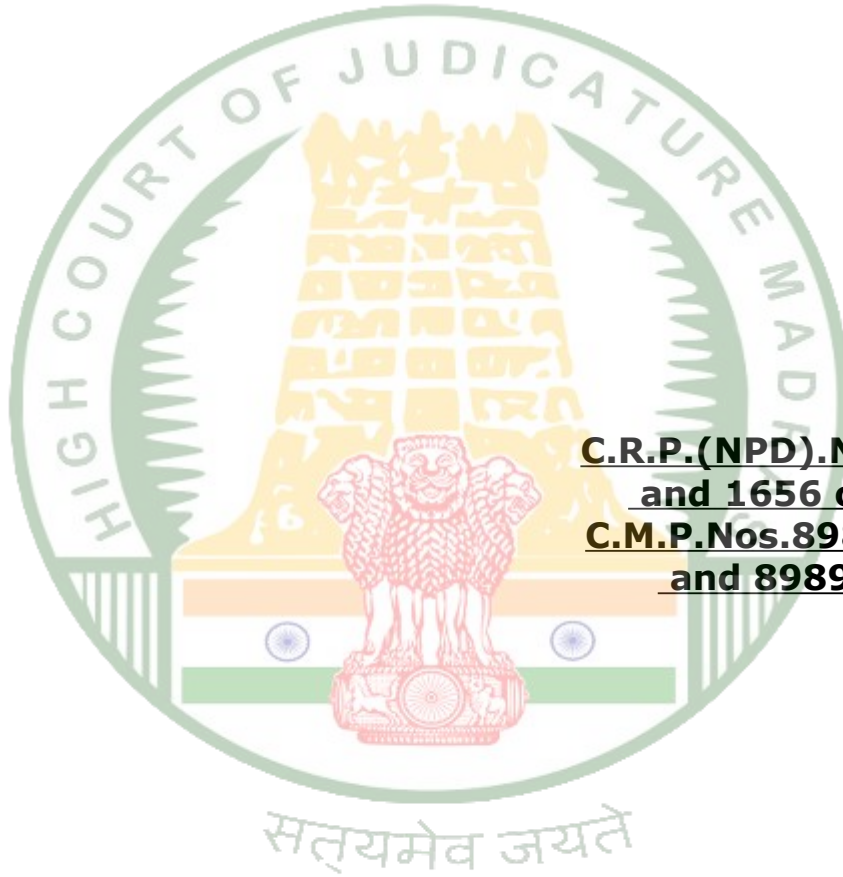
To

The Principal Sub Judge, *सत्यमेव जयते*
Thiruvannamalai.

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P.T. ASHA, J,

mps



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