

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(N.P.D).2840 of 2018

1. J. Mariammal

2. J. Abirami (Minor)
Rep by her mother and
Natural guardian,
Mrs.J.Mariammal

... Petitioners

-vs-

1. The Special Tashildar (L.A.), Unit No.1,
Outer Ring Road Project Phase 1,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

2. The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

... Respondents

Prayer: Petitions under Article 227 of the Constitution of India praying to direct the trial court to disburse the amount lying in the credit of the Court in L.A.O.P.No.349 of 2009 on the file of the Court of Subordinate Judge at Tambaram.

For Petitioners : Mr. R. T. Shyamala

O R D E R

The above Civil Revision Petition emanates from the judgment in AS.No. 733 of 2014 on the file of this Court which was heard along with other first appeals.

2. It is seen that land acquisition proceedings had been initiated by the deceased husband of the first petitioner herein and the deceased father of the second petitioner herein, one Mr. D.Jayaraman and others which ultimately culminated in filing of the first appeal before this Court by the Special Tashildar, Outer Ring Road.

3. It is seen that pending the appeal, the claimant in L.A.O.P.No.349 of 2009 on the file of the Subordinate Court, Tambaram namely, Mr.D.Jayaraman passed away and the petitioners were brought on record as his legal heirs. The present counsel for the petitioners has entered appearance in the appeal now before the Sub-Court as well and a Division Bench of this Court, by order dated 15.7.2015, has passed the following order:

" Accordingly, the above appeals are dismissed. The appellant is granted a time of eight weeks to deposit the balance amount. Upon such deposit, the claimants or their legal heirs are entitled to withdraw the amounts. The Additional Government Pleader is entitled to separate fees. No costs. Consequently, all connected pending MPs are also dismissed "

4. For compliance of Clause (iii) of the decree, deposits were also made by the Special Tashildar. Thereafter, the petitioners herein sought to withdraw the amount deposited armed with the decree that they had obtained in AS.No.704 of 2014 dated 15.7.2015. The said application has not yet been numbered by the Court below and it is represented that this is on the instructions of the counsel, who had earlier appeared on behalf of the deceased Mr.D.Jayaraman and without numbering the said application, the Court below suo motu directed the parties to appear before the Lok Adalat.

5. The learned Subordinate Judge is directed to forthwith number the said application within a period of one (1) week from the date of receipt of a copy of this order and pass orders within two (2) weeks thereafter for payment out to the petitioners herein.

6. The learned Subordinate Judge is directed to send her report as to why she has not numbered the said application, which has been filed as early as 18.8.2017, particularly when a Division Bench of this Court dismissed the appeal filed by the Special Tashildar and directed the legal heirs to withdraw the

amounts. The report explaining as to why the said application has not been numbered shall reach this Court on or before 07.04.2019. The Civil revision Petition is allowed in the above terms. No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1. The Subordinate Judge,
Tambaram.

+1cc to Mr. R. T. Shyamala, Advocate sr.no.26677

C.R.P. (N.P.D) .No.2840 of 2018

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