

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.03.2019

CORAM

THE HONOURABLE Ms. JUSTICE P.T. ASHA

C.R.P.(P.D).No.2871 of 2018

1. J. Mariammal
2. J. Abirami (Minor)

... 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.360 of 2009 on the file of the Court of Subordinate Judge at Tambaram.

For Petitioners : Mr. R. T. Shyamala

ORDER

The above Civil Revision Petition emanates from the judgment in AS.No. 737 of 2014 on the file of this Court.

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.Jayaram, which ultimately culminated in filing of the first appeal before this Court by the Special Tashildar, Outer Ring Road, Tambaram.

3. It is seen that pending the appeal, the only claimant in L.A.O.P.No.360 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:

i) That the Judgement and decree of the Court below be and hereby is confirmed and the Appeal is dismissed;

ii) That the Appellant herein/claimant be and hereby is granted a time of eight weeks to deposit the balance amount;

iii) That upon such deposit being made that Claimant (or) their legal heirs shall be entitled to withdraw the said amounts;

iv) That the Additional Government Pleader shall be entitled to separate fees in this Appeal.

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.737 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

P.T. ASHA.J

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Court dismissed the appeal filed by the Special Tashildar and permitted 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.

21.03.2019

Index : Yes/No
 Internet : Yes/No
 Speaking/non-speaking order

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Note: Issue order copy on 25.03.2019

To

1. The Subordinate Judge,
 Tambaram.



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