

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.11.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAISWAMY

C.R.P.No.3752 of 2014

B.Narasimman

... Petitioner

Vs.

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

2.E.Lalitha

3.Jyothi

4.Jayanthi

5.Ravi

... Respondents

(cause title accepted vide order dated 03.09.2014 made in
M.P.No.1 of 2014 in C.R.P.(SR).No.3766 of 2013)

Petition filed under Section 115 of the Code of Civil
Procedure against the fair and decreetal order dated 04.07.2012
made in I.A.No.72 of 2011 in L.A.O.P.No.19 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)
R2- not ready in notice
R3 to R5 - No appearance

O R D E R

Challenging the order passed in I.A.No.72 of 2011 in
L.A.O.P.No.19 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.19 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.72 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.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

va

To

The Subordinate Judge,
Tiruvallur.

+lcc to the Government Pleader Sr.92896
+lcc to Mr.M.S.Subramanian, Advocate Sr.97370

C.R.P.No.3752 of 2014

gmr[co]
srg 05/03/2020