

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.10.2020

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

A.S. Nos.879 & 880 of 2006
and C.M.P. Nos.1 & 1 of 2006

A.S. No.879 of 2006
and C.M.P. No.1 of 2006

1.L.A.Venkataraghavan (Deceased)
2.R.Saraswathi
3.Padmasivakumar
4.R.Sridhar
5.Ram Mohan ... Appellants

Appellants 2 to 5 are brought on record as legal representatives of the deceased sole appellant vide order of the Court dated 22.08.2011 made in M.P. Nos.1 & 1 of 2011 in A.S. Nos.879 & 880 of 2006.

Versus

1.The Special Tahsildar (L&A),
BHEL Unit,
Ranipet.
Kupusamy (Died) ... 1st Respondent/Respondent
2.Mangaiammal
3.Mageswari
4.Parasuraman
5.Pachiappa Mandiri
6.Shahaban Bee
7.Mary
8.Bank of India,
Vellore.
9.Visalakshmi Ammal
10.R.D.Ganesan
11.N.Mahalakshmi Ammal
12.Padmanaban
13.Valliammal
14.Krishnaveni
15.S.Lakshmanan
16.Kuppammal
17.V.K.Lakshmanan
18.L.K.Lakshmiraghavan ... Respondents 2 to 18/Claimants 2
to 5,8,9, 11 to 21

Appeal suit filed under Section 54 of Land Acquisition Act against the judgment and decree dated 31.05.2006 made in L.A.O.P. No.212 of 2002 on the file of the Additional District and Sessions Judge (Fast Track Court - II) Ranipet, Vellore District.

For Appellants : No Appearance

For Respondents 1: Mr. J.Balagopal
Special Government Pleader (AS)

6 & 16 : Died

8 : No appearance

Mr. S.Mukanth
for Sarvabhauman Associates

17 :

: 2-5,7,9-15,18 : Notice returned

A.S. No.880 of 2006
and C.M.P. No.1 of 2006

1.L.A.Venkataraghavan (Deceased)
2.R.Saraswathi
3.Padmasivakumar
4.R.Sridhar
5.Ram Mohan

... Appellants

Appellants 2 to 5 are brought on record as legal representatives of the deceased sole appellant vide order of the Court dated 22.08.2011 made in M.P. Nos.1 & 2 of 2011 in A.S. Nos.879 & 880 of 2006.

Versus

1.The Special Tahsildar (L&A),
BHEL Unit,
Ranipet.

Subramania Pillai (Died)

..1st Respondent/Respondent

2.Shahaban Bee

3.Seshachala Pillai

4.Mary

Dharmalinga Chettiar (Died)

5.LKL Raghavan

6.Venkataraghavan

7.State Bank of India,
Branch Manager, Vellore.

8.Padmanaban

9.Valliammal

10.Krishnaveni

11.S.Lakshmanan

12.J.Prabudoss
13.J.Purushothaman
14.J.Prasanna Vijayakumar
15.J.Prakashkumar
16.J.Philomeena
17.Prema Sebestin
18.Ganesan

... Respondents/Claimants
2,3,4,6,8 to 19.

Appeal suit filed under Section 54 of Land Acquisition Act against the judgment and decree dated 31.05.2006 made in L.A.O.P. No.215 of 2002 on the file of the Additional District and Sessions Judge (Fast Track Court - II) Ranipet, Vellore District.

For Appellant : No Appearance

For Respondents - 1 : Mr. J.Balagopal
Special Government Pleader (AS)

2 : Died

7 : No appearance

3-6,8-18 : Notice returned

COMMON JUDGMENT

The appeal in A.S. No.879 of 2006 is preferred against the judgment and decree made in L.A.O.P. No.212 of 2002 on the file of the Additional District and Sessions Judge (Fast Track Court - II) Ranipet, Vellore District and the appeal in A.S. No.880 of 2006 is against the judgment and decree made in L.A.O.P. No.215 of 2002 on the file of the Additional District and Sessions Judge (Fast Track Court - III) Ranipet, Vellore District.

2. The lower Court entertained the proceedings under Section 30 of Land Acquisition Act for apportionment of compensation. In A.S. No.879 of 2006 respondents 6 and 16 are reported dead. Steps have not been taken to bring on Legal heirs. Notice is yet to be served on several other respondents. Similarly, in A.S. No.880 of 2006, the second respondent died and several other respondents are unserved for want of correct address. Some of the notices sent to the respondents returned unserved with an endorsement "No such addressee". Though these matters are pending for a long time and some of the respondents died during pendency of these appeals, no steps have been taken by the appellants so far.

3. Learned counsel for some of the respondents for whom notice was served submitted that these appeals are directed against the apportionment of very small amount of compensation and that the lawful claimants are deprived of their right to get

compensation on account of the pendency of this appeal for long time. It is further submitted that the appellants have failed to take steps to serve notice on all respondents. Since these appeals are liable to be dismissed as abated as against some of the deceased respondents, the appellants cannot prosecute the appeal as against the other respondents, without setting aside abatement.

4. This Court, on verification, found that some of the respondents particularly the sixth and sixteenth respondents in A.S. No.879 of 2006 are reported dead and no steps have been taken for a long time. Similarly, the appeal in A.S. No.880 of 2006 may not survive as no steps have been taken to set aside the abatement caused due to the death of second respondent. Since these appeals are liable to be dismissed as abated as against some of the respondents who are jointly interested in contesting this appeal along with other respondents, this Court is of the view of that these appeals cannot survive as against other respondents without setting aside the abatement caused due to the death of some of the respondents.

5. When these cases were listed on 14.07.2020, this Court granted time for the appellants to take steps to bring on record the Legal Representatives of the deceased respondents. When these cases were listed subsequently on 09.10.2020, there was no representation for the appellants. When the cases came up for hearing today, once again there is no representation for the appellants. Hence, this Court is of the view that no useful purpose will be served by adjourning the matter further.

Accordingly, these appeals are dismissed for non-prosecution. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Special Tahsildar (L&A),
BHEL Unit,
Ranipet.

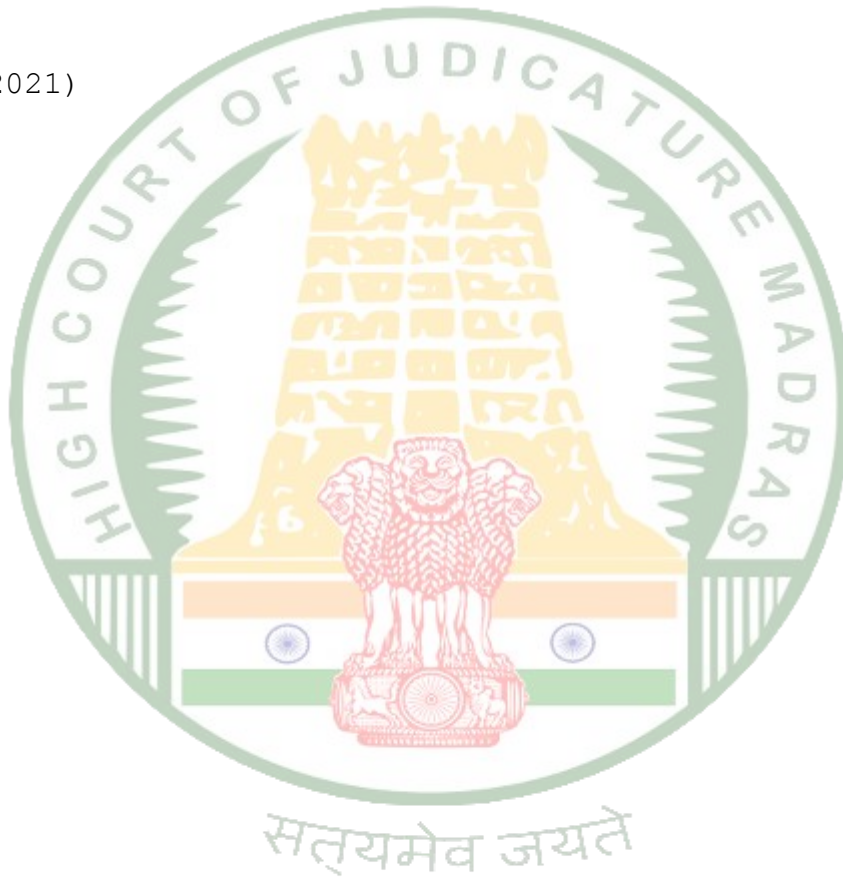
2.The Additional District and Sessions Judge (Fast Track Court - II)

Ranipet, Vellore District.

+1 CC to M/s. Sarvabhauman Associates sr 34738

A.S. Nos.879 & 880 of 2006
and C.M.P. Nos.1 & 1 of 2006

NRJK (CO)
SP(07/01/2021)



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