

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.No.350 of 2010

The Special Tahsildar (IA),
BHEL Unit, Ranipet. .. Appellant

Vs.

Muthusamy ..Respondent

PRAYRE: First Appeal filed against the Judgment & Decree of the learned Subordinate Judge of Arani in L.A.O.P.No.194 of 1987, dated 19th September 1991.

For Petitioner : Mr.J.Balagopal, Spl.G.P.(AS)

O R D E R

The appeal suit is filed against the judgment and decree dated 19.09.1991 in L.A.O.P.No.194 of 1987. The Land Acquisition Original Petition was filed seeking enhanced compensation under the Land Acquisition Act against the order of the appellant herein and the same was ordered enhancing the compensation at Rs.175/- per cent by the the learned Subordinate Judge, Arani. Challenging the same, the appeal suit on hand is filed by the appellant.

2. Though, the notice was ordered in the year 2010, till today notice has not been served to the sole respondent. For the past 10 years, the appellant is unable to serve notice to the respondent despite the fact that the land acquisition original petition was contested by the respondent before the trial court. In contested matter and the judgment and decree was passed on merits by the trial court, the appellant is bound to serve notice within a reasonable period of time. However, for the past 10 years, the appellant is unable to serve notice to the respondent.

3. When the matter was listed on 03.12.2019, this court permitted the appellant to take steps to serve the

respondent and granted a weeks time. Once again, the matter was listed on 11.12.2019. Even on that day, at request of the learned Special Government Pleader (AS), the matter was adjourned by three weeks. Again the matter was taken up for hearing on 13.01.2020. Today also the learned Special Government Pleader (AS) is unable to establish that the notice has been served to the respondent. This court is of the considered opinion that no purpose will be served by keeping the appeal pending for unspecified period. The appellant is not vigilant in taking steps to serve notice to the respondent for about 10 years. In these circumstances, if the appellant is able to serve notice within a reasonable period of time and if restoration petition is filed within a reasonable period, then the same shall be considered on merits.

4. With this liberty, the Appeal Suit stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dsa

To

The Subordinate Judge, Arani.

Copy to:

The Section Officer,
VR Section, High Court,
Madras-104.

+1cc to Spl Government Pleader, S.R.No.3642

KS(CO)
CB(28/08/2020)

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