

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Fourth day of January Two Thousand Twenty

PRESENT

THE HON`BLE MR JUSTICE K. KALYANASUNDARAM

CMP No.8803 of 2019
IN SA.NO.472 OF 2017

1 K. VEERABADRAN [PETITIONERS]
2 K.BALARAMAN

Vs

1 K. VENUGOPAL [RESPONDENTS]
2 MOHAMMED YACOB

DEIVANAYAKI (SINCE DIED)

3 AMBUJAMMAL
4 DEVIKA

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to order return of the following original documents to the petitioners/Appellants marked as Exhibits Ex.B4 and B5 in OS No.159/2000 on the file of Principal Sub Judge, Chengalpattu, which is the subject matter of the above SA IN CMP.NO.8803 OF 2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of M/S.M.S.SUBRMANIAN, Advocate for the petitioner and of MR. A.K.KUMARAGURUBARAN, ADVOCATE on behalf of the 3 & 4 Respondents the court made the following order:-

This petition is filed seeking to return the documents Exs.B4 and B5 marked in O.S.No.159 of 2000, on the file of the Principal Sub-Court, Chengalpattu.

2. Heard Mr.M.S.Subramanian, learned counsel for the petitioners and Mr.A.K.Kumaragurubaran, learned counsel for the respondents 3 and 4.

3. It is the submission of the learned counsel for the petitioners that a part of the suit property was acquired by the Government and Ex.B5 document is required for production before the Land Acquisition Officer to determine the compensation. He further added that Ex.B4 is the registration certificate of the tractor bearing No.TN-06-673 and it is required for the purpose of renewal of the certificate. According to the learned counsel, the xerox copies of the documents Ex.B4 and B5 have been produced.

4. The petition was stoutly opposed by the learned counsel for the respondents 3 and 4 contending that the petitioners suffered a decree of partition and those documents would be produced before the concerned Authority to claim that they are the absolute owners of the property. He further added that both the Courts below have held that the respondents are entitled for share in the suit property, however, by using Ex.B5, the petitioners alone cannot be permitted to receive the entire compensation amount, in which, the respondents 3 and 4 are having shares.

5. It is settled law that if there is any dispute with regard to disbursement of compensation, the Authorities would deposit the entire award amount before the civil Court and the parties will be directed to work out their remedy before the competent civil Court.

6. In the light of the above fact, the petition is ordered as prayed for. It is made clear that the third and fourth respondents are entitled to be heard in the award proceedings and their objections, if any, have to be considered by the Authorities in accordance with law.

-sd/-

24/01/2020

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE PRINCIPAL SUBORDINATE
JUDGE CHENGALPATTU.

2 THE ADDITIONAL DISTRICT
AND SESSIONS JUDGE KANCHEEPURAM DISTRICT
AT CHENGALPATTU.

3. THE SECTION OFFICER,
VR SECTION HIGH COURT, CHENNAI.

C.C. to M/S.M.S.SUBRMANIAN Advocate on payment of necessary
charges

Order

in

CMP.8803/2019

IN SA.NO.472 OF 2017

Date :24/01/2020

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VC (26/02/2020)