

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 01.12.2020

Pronounced on : 11.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

CRP.(PD).Nos.1952 and 1953 of 2020

and

C.M.P.Nos. 12100 and 12103 of 2020

Chennai Metro Rail Limited,
Represented by its Managing Director,
"Harini Towers",
No.7, Conron Smith Road,
Gopalapuram, Chennai - 600 086.

... Petitioner

-vs-

1. Land Acquisition Officer and
Special Tahsildar (LA)
Chennai Metro Rail Limited,
Unit - II
"Harini Towers",
No.7, Conron Smith Road,
Gopalapuram, Chennai - 600 086.

2. Associated Publishers (Madras) Pvt., Ltd.,
Registered Office : 'Main Building'
856, Anna Salai,
Chennai - 600 002.

... Respondents

Prayer in CRP.No.1952 of 2020:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 20.02.2020 passed in I.A.No.1 of 2019 in L.A.O.P.No.55 of 2012 on the file of VI Assistant City Civil Court, Chennai and thereby re-open the evidence of the Second Respondent in L.A.O.P.No.55 of 2012 pending on the file of the VI Assistant City Civil Court, Chennai.

Prayer in CRP.No.1953 of 2020:- Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 20.02.2020 passed in I.A.No. 2 of 2019 in L.A.O.P.No.55 of 2012 on the file of VI Assistant City Civil Court, Chennai and thereby re-open the evidence of the Second Respondent in L.A.O.P.No.55 of 2012 pending on the file of the VI Assistant City Civil Court, Chennai.

For Petitioner : Mr. C.Shankar

For Respondents : Mr. S.Jaganathan (For R1)
Government Advocate

: Ms. Geethi Ara (For R2)

COMMON ORDER
(through video conference)

The revision petitioner is the second respondent in claim petition therein.

2. The second respondent herein is the claimant/petitioner in L.A.O.P. No. 55 of 2012 on the file of the VI Assistant City Civil Court, Chennai, claiming the enhancement of compensation for the land acquired in the Chennai Metro Rail Limited (CMRL) by the Government and the same is pending for trial. Further more, the claimant was examined as RW1 let in oral and documentary evidence. The first respondent/Land Acquisition Officer as let in evidence as RW1 when the matter was posted for evidence on behalf of the second respondent before the trial court, hence, the respondent side witnesses were not adduced any evidence when the matter was pending for more than one year. Subsequently, the Trial Court has closed their evidence on the side of the respondent and the matter was posted for arguments. At this juncture, the second respondent in the claim petition had filed an I.A.Nos. 1 and 2 of 2019 to reopen and recall the respondent side evidence in L.A.O.P. No. 55 of 2012, to let in evidence on behalf of the second respondent and the same was dismissed

by the learned V Assistant Judge, (FAC) VI Asst. City Civil Court, Chennai. Aggrieved by the same, the petitioner has filed a revision petition before this Court.

3. Heard Mr. C.Shankar, learned counsel for the petitioner and Mr. S.Jaganathan, learned Government Advocate appearing for the first respondent and Ms. Geethi Ara, learned counsel appearing for the second respondent and perused the materials available on record.

4. After hearing the rival submissions and after going through the entire records, it is seen that L.A.O.P.No. 55 of 2012 was filed by the second respondent-Chennai Metro Rail Limited (CMRL) herein before the VI Asst. City Civil Court, Chennai. During the pendency of the petition, the revision petitioner herein has filed interlocutory application Nos.1 and 2 of 2019 to recall and reopen the respondent side evidence in the aforesaid petition to let in evidence as RW2 on the ground that the name of the person who was going to be the deponent on behalf of the respondent was not mentioned and the same were dismissed by the trial court by an order dated 20.02.2020. Earlier there was an I.A.No.636 of 2018 was filed by the second respondent therein, which was allowed on

08.02.2018. It appears that the trial court has overlooked the fact that I.A.No.636 of 2018 is filed by the first respondent-Land Acquisition Officer in the original claim petition and not by the second respondent-CMRL. Further more, the first respondent viz., the Land Acquisition Officer was examined as RW1 and another one Mr.Venkataraman, Special Tahsildar, Chennai Metro Railway Limited, was examined as RW2. The said Mr.Venkataraman, was examined on behalf of the first respondent and not on behalf of the second respondent-CMRL before the trial court (the revision petitioner herein). If no opportunity was given to the second respondent in the original claim petition, it amounts denial of principles of natural justice. Admittedly, there is a delay on the part of the revision petitioner herein to let in evidence on their behalf. It remains to be stated that the reason assigned for the delay was referred to connivance in settlement with the Second Respondent.

5. The learned counsel for the second respondent would contend that the matter was originally referred to Lok Adalat but the Lok Adalat efforts were futile and no amicable settlement would be arrived and hence, the matter was referred to LAOP Court.

6. Taking into consideration the entire facts and circumstances of the case an opportunity has to be given to the second respondent to let in evidence, I am inclined to allow both the Civil Revision Petitions on payment of cost of Rs.1,500/- to be payable to the claimant/petitioner before the trial court.

7. With these observations, the Civil Revision Petitions are allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

11.12.2020

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Index : Yes/No
Internet : Yes/No

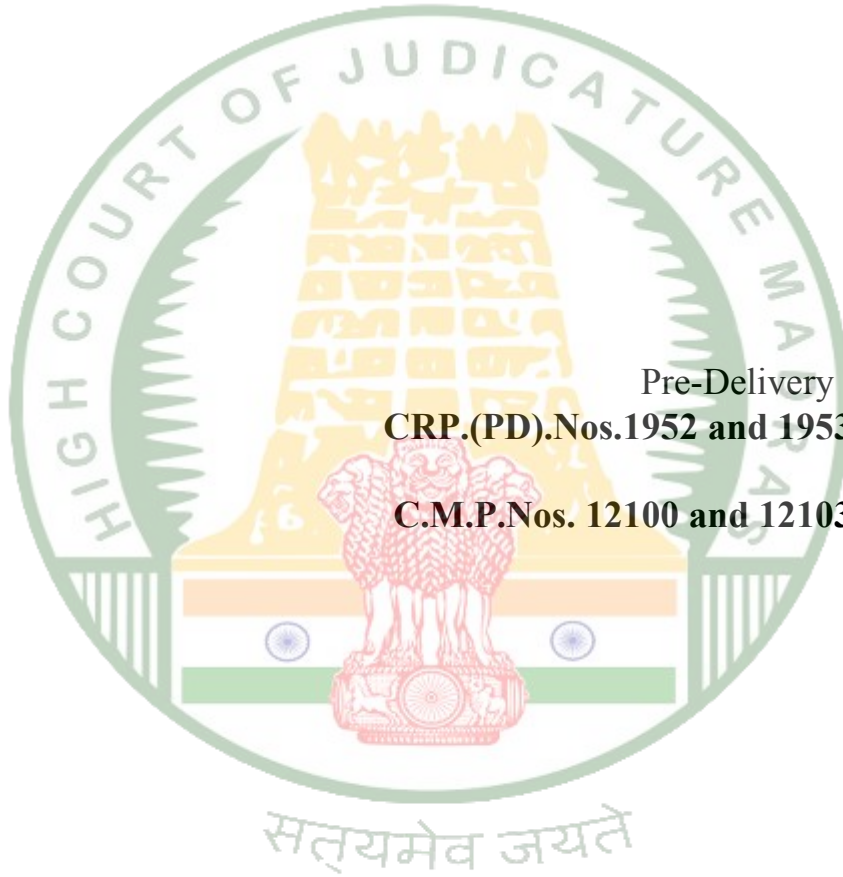


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CRP.(PD).Nos.1952 and 1953 of 2020

RMT.TEEKAA RAMAN, J.

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Pre-Delivery Order in
CRP.(PD).Nos.1952 and 1953 of 2020
and
C.M.P.Nos. 12100 and 12103 of 2020

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Dated : 11 .12.2020