

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.07.2021

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

C.R.P.(NPD).No.3435 of 2016
and C.M.P.Nos.19597 of 2018 & 17452 of 2016

Shanmugam

... Petitioner/5th Claimant

Vs.

1.The Special Tahsildar (LA),
IV, Land Acquisition,
Neyveli – 2.

2.The Chairman – cum – Managing Director,
Neyveli Lignite Corporation Ltd.,
Neyveli

... Respondents 1 & 2/ Respondents 9 &

10

3.Dhanavanthan

4.Pachammal

5.Saroja

6.Bharathi

7.Sarathi

8.Vishnupriya

... Respondents 3 to 8/Claimants 1 to 4 &

6

Prayer: This Civil Revision Petition is filed under Article 227 of the Constitution of India, praying to set aside the return memo passed by the Trial Court dated 19.09.2016 in L.A.O.P.No.241 of 2014 on the file of the Special Subordinate

Court (LAOP Cases) at Cuddalore, enabling to pass orders appropriately in accordance with law after hearing both parties.

For Petitioner : Mr.S.Babu
for Mr.V.Anand

For Respondents : Mr.D.Suriya
Government Counsel [R1]
Mr.A.Jayaraman [R2]
No Appearance [R3 to R8]

COMMON ORDER

(Heard through video conferencing)

This Civil Revision Petition has been filed praying to set aside the return endorsement dated 19.09.2016 made by the Special Subordinate Judge (LAOP Cases), Cuddalore on a memo filed in L.A.O.P.No.241 of 2014.

2. A memo has been filed by this Civil Revision Petitioner/5th claimant in which he has prayed to stay the cheque petition filed by the other claimants/respondents 3 to 8 until the Appeal filed challenging the Award is disposed.

3. During the pendency of this Civil Revision Petition, a Civil Miscellaneous Petition in CMP.No.19597 of 2018 was filed by a third party to implead herself as a party to the proceedings.

4. The Civil Revision Petitioner has stated that both CRP.No.3435 of 2016 and CMP.No.19597 of 2018 are settled between the parties and a compromise memo to this effect will be filed before the Executing Court and hence, the Civil Revision Petitioner wishes to withdraw this Petition.

5. The third party who has filed the Civil Miscellaneous Petition, has claimed herself as the daughter of the 3rd respondent – Dhanavanthan and stated that she also has a share in the Award amount and hence, she should be impleaded as a party to this proceedings. But it is to be noted that she has already filed a Suit before the Subordinate Court, Chidambaram, for claiming partition. Since the claim made by the proposed 9th respondent is between herself, her father and other siblings, this Civil Revision Petition cannot be kept pending for that reason. Moreover, the proposed respondent was not a party to the land acquisition proceedings itself. Further, the Civil Revision Petitioner himself has chosen to withdraw the Petition. Under such circumstances, the proposed party cannot be impleaded as a party to this proceeding. It is open to the proposed party to seek her remedy before the Civil Court where she has filed the Suit for partition.



WEB COPY

R.N.MANJULA,J.

Sni

With the above observations, this Civil Revision Petition is disposed of as withdrawn. No costs. Connected civil miscellaneous petitions are closed.

29.07.2021

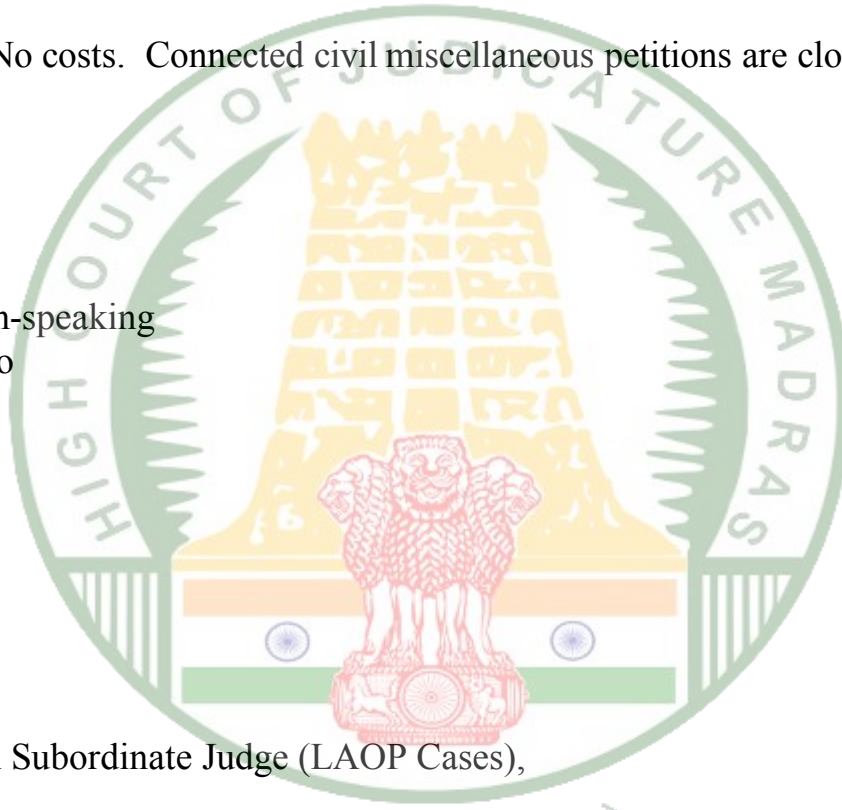
Speaking/Non-speaking
Index: Yes/No

Sni

To

1.The Special Subordinate Judge (LAOP Cases),
Cuddalore.

2.The Section Officer,
V.R.Section,
High Court, Madras.



WEB COPY

C.R.P.(NPD).No.3435 of 2016