

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2021

CORAM:

THE HON'BLE Mr. JUSTICE G.CHANDRASEKHARAN

C.R.P.(N.P.D)No.1884 of 2021 &

C.R.P.(P.D)No.1894 of 2021

(Through Video Conference)

Raju Naicker (Died)

1) Murugan,

S/o.Late.Raju Naicker

...Petitioner in C.R.P.(NPD)
No.1884 of 2021

2) Nagappan

S/o.Late.Raju Naicker

...Petitioner in C.R.P.(PD)
No.1894 of 2021

Vs.

1. The Special Tahsildhar (L.A.),
SIPCOT Unit, Sriperumbudur,
Kancheepuram District.

2. The Managing Director,
SIPCOT, Egmore, Chennai-8.

....Respondents in both
C.R.P's

COMMON PRAYER:- Civil Revision Petitions are filed under Article 227 of the Constitution of India, seeking for a direction to number the petitioner's unnumbered I.A. in L.A.O.P.No.153 of 2003, filed towards issuance of cheque on the file of I Additional District & Sessions Court, Thiruvallur.

In both the C.R.P.'s:

For Petitioners : Mr.G.Karthikeyan

For Respondents : Dr.S.Suriya,
Government Advocate(Civil Side)

COMMON ORDER

Since the issue involved in both the Civil Revision Petitions are one and the same, they are disposed of by this common order.

2. These Civil Revision Petitions have been seeking for a direction to number the petitioner's unnumbered I.A. in L.A.O.P.No.153 of 2003 filed towards issuance of cheque on the file of I Additional District & Sessions Court, Thiruvallur.

3. The learned counsel for the petitioners submitted that the petitioners' father Late.Raju Naicker's land was acquired for the purpose of SIPCOT Industrial Scheme. The matter was referred under Section 18 of the Land Acquisition Act, 1894 for fixing reasonable compensation. The compensation was fixed at Rs.3,500/- per cent by way of Judgment and Decree dated 14.11.2007 by the learned Additional District Judge, Fast Track Court No.V, Chengalpattu at Tiruvallur. The first respondent preferred

an appeal in A.S.No.392 of 2015 before this Court. This Court modified the judgment and directed the first respondent to pay a sum of Rs.15,620/- per cent less 33% towards development charges instead of Rs.3,500/- per cent awarded by the Lower Court as compensation. The respondents filed a review application in Rev.Appln No.59 of 2018. In the order dated 28.09.2018 made in the Review Application, the compensation was fixed at Rs.10,465/- per cent. In view of the same, the second respondent has deposited a sum of Rs.25,98,041/- (Rupees Twenty Five Lakhs Ninety Eight Thousand and forty one only).

4. Pending litigation, Mr.Raju Naicker died and the petitioners and one Kumar are the legal heirs of the deceased Raju Naicker, each entitled towards a sum of Rs.8,66,013/- Therefore, the petitioners filed cheque applications for issuance of cheque for Rs.8,66,013/-. The cheque application was returned stating the reason that *"notice for the other side to be given and necessary legal heirship petition to be filed"*.

5. When the matter was heard on 15.09.2021, the learned Government Advocate wanted to verify whether these petitioners are the

only legal heirs of the deceased Raju Naicker. Accordingly, today (i.e.) on 22.09.2021, the learned Government Advocate produced the xerox copy of the legal heirship certificate of the deceased Raju Naicker. The xerox copy of the legal heirship certificate shows that R.Kumar, R.Nagappan and R.Murugan are the legal heirs of the deceased Raju Naicker. Even in the proceedings in A.S.No.392 of 2015, these petitioners were impleaded as legal heirs of the deceased Raju Naicker. Therefore, there is no doubt, whatsoever as to the fact that the petitioners were impleaded as the legal heirs of the deceased Raju Naicker. As claimed by them, each one of them is entitled to receive a sum of Rs.8,66,015/- as their share in the Award. Therefore, the learned I Additional District Judge, Additional District & Sessions Court, Tiruvallur, is directed to number the cheque applications and pass appropriate orders on merits and in accordance with law.

6. Learned counsel for the petitioners also submitted that the legal heirship certificate has already been filed and notice was also given to the other side and the other side counsel's endorsement obtained. In the said circumstances, the learned I Additional District Judge, Additional District

& Sessions Court, Tiruvallur is directed to dispose of the application in unnumbered I.A. in L.A.O.P.No.153 of 2003 within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, these **Civil Revision Petitions are Disposed of.**

No costs.

22.09.2021

Index: Yes/No

Speaking Order: Yes/No

sts/ep

To:

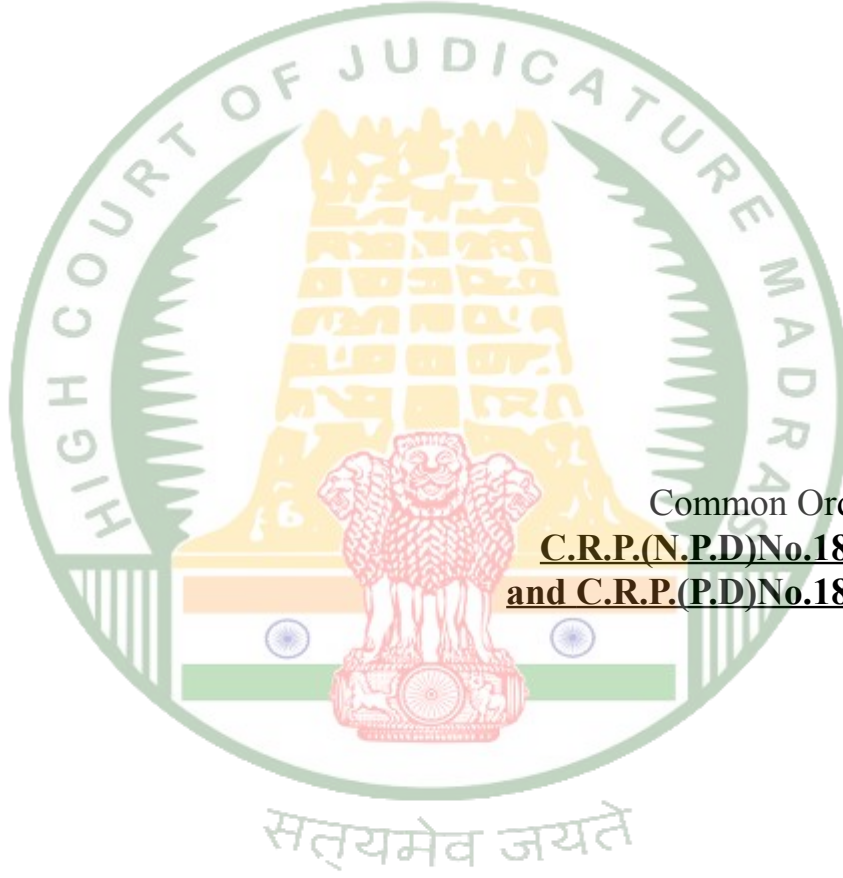
1. The Special Tahsildhar (L.A.),
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C.R.P.(N.P.D).No.1884 of 2021
& C.R.P.(P.D).No.1894 of 2021

G.CHANDRASEKHARAN.J.

sts/ep



Common Order made in
C.R.P.(N.P.D)No.1884 of 2021
and C.R.P.(P.D)No.1894 of 2021

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Dated:
22.09.2021