



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.02.2022

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.26630 of 2012
and M.P.No.1 of 2012

Thirumathi Sellammal @ Sellathal ... petitioner

-Vs-

1. The District Revenue Officer,
Thiruppur.

2. Saminathan

3. Thirumathi Sivakami @ Sivalakshmi

4. Thirumathi Rajalakshmi

5. Thirumathi Saraswathi ... Respondents

Prayer: Petitions filed under Article 226 of the Constitution of India, for issuance of Writs of Certiorari calling for the entire records on the file of the 1st respondent leading to the issue of reference No. 26376/2010/F4 dt 7.1.2011 and quash the same in so far as the petitioners land in Survey No.184/1-B in Madhapur Village of Tirupur Taluk acquired for public purpose i.e. for widening of Road in NH 67 between Karur to Coimbatore in Palladam Taluk of Tirupur District.

For petitioner: Mr. K.Sridhar
For Mr.K.Sridhar Associates

For Respondents: Mr. M.Muthusamy R1
Government Advocate

Ms.Sreelekha.T. RR2 to 5
for Mr.D.Rajagopal



O R D E R

This Writ Petition has been filed seeking to quash the proceedings of the 1st respondent in reference No. 26376/2010/F4 dt 7.1.2011.

2. The petitioner is the absolute owner of 14.56 acres of land in SF.No.184/1 of Madhapur Village, Tiruppur Taluk, which was executed under a Will dated 05.03.1979 by one Srinivasa Rao. The above said land was an enfranchised as minor inam land. As per the Act 30/63, the Minor Inam Land were vested with the Government. The Government has appointed a Settlement Tahsildar to enquire the above said with respect to the inam land. After enquiry, the said Srinivasa Rao was granted Ryotwari Patta. The said order is still in force. The said Srinivasa Rao died during the year 1981.

3. That being the situation, the Highway Department was acquiring the lands belonging to the petitioners to an extent of 3 acres out of the above extent of 14.56 Acres in Madhapur Village. In the meanwhile, the neighbouring land owners created trouble and hence, the petitioners filed a suit in O.S.No.246 of 2012 on the file of the Principal Sub Court, Tiruppur for permanent injunction against the said neighbourhood. The said suit was decreed on 17.08.2012 in favour of the petitioners.

4. Since no notice was received by the petitioners from the Highways Department for enquiry, the petitioners approached the DRO, Tiruppur, who informed the petitioner that there was a claim by the respondents 2 to 5 and the HR & CE Department, Coimbatore over the compensation awarded for the said 3 acres and since the ownership of the lands could not be ascertained, the compensation amount of Rs.35,80,918/- in LAOP. No.2 of 2011 had been deposited before the Principal Subordinate Judge, Tiruppur. In the meanwhile, the respondents 2 to 5 have filed claim petition to receive the above said amount and the same was ordered.

5. According to the petitioner, she is the owner of the property and the patta stands in the name of Srinivasa Rao and as per the Will executed by him, the petitioner is the absolute owner of the lands. In the meanwhile, the first respondent passed order dated 07.01.2011 stating that the compensation amount for the acquired lands could not be paid because the ownership of lands were not decided by the competent authority. Challenging the same, the present writ petition has been filed to quash the proceedings.



6. The learned counsel for the petitioner submitted that during pendency of the petition, the petitioner passed away. Legal representatives have not taken any steps to receive the compensation. The learned counsel prays that this Court may permit the legal heirs to file appropriate petition before the Sub Court, Tiruppur where the LAOP is pending.

7. The learned Special Government Pleader submitted that the representation will be considered and necessary action will be taken in this regard within the stipulated period as fixed by this Court.

8. Heard the learned counsel for the petitioner as well as the learned Government Advocate appearing on behalf of the first respondent and the learned counsel appearing on behalf of the respondents 2 to 5 and perused the materials available on record.

9. The learned counsel fairly submitted that during pendency of the petition, the petitioner passed away and the legal heirs have not taken any steps to implead themselves, till date. Considering the facts and circumstances of the case and the limited request made by the petitioner, this Court, without going into the merits of the case, directs the legal heirs to file an appropriate petition before the trial Court, where the LAOP is pending. After filing impleading petition, the learned Judge shall pass orders after providing opportunity to either side on merits and in accordance with law as expeditiously as possible.

10. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-V)

// True Copy //

Sub Assistant Registrar

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To

1.The District Revenue Officer,
Thiruppur.



2.The Principal Sub Judge,
Tiruppur.

+lcc to Mr.D.Rajagopal, Advocate SR.No.12276

+lcc to Mr.K.Sridhar, Advocate SR.No.12071

+lcc to the Government Pleader, SR.No.12801

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NRL (CO)
CB (22/03/2022)