



WEB COPY



CRP.(NPD)No.1083/2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2022

CORAM:

Mr. JUSTICE N.SESHASAYEE

C.R.P.(NPD)No.1083 of 2022

G.Alees

... Petitioner

Vs

1.The Revenue Divisional Officer
Taluk Office Road,
Ponneri.

2.Union of India, Represented by
the Secretary to Government
Department of Space
Antariksh Bhavan
New Bel Road,
Bangalore – 560 094.

3.The Chief Construction Engineer,
Department of Space,
Sriharikota – 524 124.

... Respondents

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order of return dated 10.01.2022 and to direct the Subordinate Judge, Tiruvallur to number the payment-out petition filed by the Petitioner bearing I.A.Sr.No.1864 of 2021 in LAOP.No.289 of 1986.



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For Petitioner : Mr.M.S.Subramanian
For R1 : Mr.P.Harish,
Government Advocate

ORDER

This matter arises out of L.A.O.P.No.289 of 1986. The only hiccup is that the learned Sub Judge, Tiruvallur, though agrees that the money is in Court deposit, still wants certain procedures to be complied with such as transfer of funds from the Sub Court to the Court for Land Acquisition (Special Court for Land Acquisition), and she wants pay out Application to be made to that Court and then to enable the custody of the funds.

2.Procedurally it may sound nice, but it shall cause considerable hardship to the litigant. Nothing prevented the Sub Court to transfer the funds of the concerned Sub Court till date and it does not require the Court to give a direction to that effect. After all, at the end of the day, the claimant needs his or her money and the Court is only holding the money for the claimant.



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3.At the end of the day, the Court only needs to ascertain the identity of the person, who has taken out the pay out Application and also ascertain the case and availability of funds. All other internal work can be done administratively by the Sub Judge concerned. It is also submitted that a pay out Application has been taken out before the Sub Court, Tiruvallur.

4.The Sub Judge, Tiruvallur is now directed to take on its record the pay out Application filed by the revision petitioner in I.A.S.R.No.1864 of 2021 in L.A.O.P.No.289 of 1986.

5.The Civil Revision Petition is disposed of accordingly. No costs.

6.The Registry is directed to return the original Pay Out Application made available by the revision petitioner.

29.04.2022

Index : Yes/No
Speaking Order/Non Speaking Order
Tsg/dk



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N.SESHASAYEE, J.,

Tsg/dk

To
The Subordinate Court,
Tiruvallur.

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