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C.R.P.No.3803 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:22.11.2022

CORAM:

THE HONOURABLE Mr. JUSTICE S.SOUNTHAR

C.R.P.No.3803 of 2022

Chinnathambi

Mangani (Deceased)

...Petitioner

Versus

1. The Special Tahsildar,
Land Acquisition Officer,
By pass road, Namakkal.
2. The Divisional Engineer,
National Highways Department,
Salem -5.
3. The Project Director,
National Highways Authority of India,
Karur-2.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, pleased to direct the Subordinate Court, Namakkal to take I.A.Sr.No.11283 of 2021 in LAOP.No.12 of 1997 on its file and decide the same on merits.

For Petitioner : Mr.R.Krishna Prasad

For Respondent : Dr.S.Suriya
Additional Government Pleader
(for R1 and R2)



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O R D E R

Aggrieved by the order returning the petition filed by the revision petitioner seeking to implead himself as a party/2nd claimant in L.A.O.P.No.12 of 1997, the revision petitioner is before this Court.

2. According to the petitioner, his father Mangani died on 03.07.2020 and the amount deposited by the Government towards land acquisition compensation lying in Court deposit. After death of Father/Original Claimant, the petitioner herein being a son of the deceased filed a petition to implead himself as a second claimant in L.A.O.P.No.12 of 1997 and the same was returned by the Court below.

3. Even according to the petitioner, he is having a brother and sister. The petitioner herein is claiming the right of entire compensation amount based on the Will alleged executed by his deceased father. The entitlement of the petitioner to receive entire compensation amount based on the alleged Will has to be adjudicated only in the presence of other legal representatives of deceased namely brother and sister of the petitioner.



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4. Therefore, it is open to the petitioner to file appropriate petition to bring all the legal representatives of deceased father in L.A.O.P.No.12 of 1997 and if any such application is filed, same shall be numbered and disposed of in accordance with law.

5. With these observations, the civil revision petition stands disposed of.

No costs.

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Index: Yes/ No

Speaking Order / Non-Speaking Order



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S.SOUNTHAR, J.

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To

The Subordinate Court, Namakkal.

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