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CRP.No.3585 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 3585 of 2017

and

CMP.No.16862 of 2017

Gopala Reddy

.. Petitioner

Versus

1. The Special Tahsildar, (LA),
Sipcot, Hosur.

2. The Project Officer,
Sipcot, Hosur.

3.Nanjamma,

Venkaagiri Amma (Died)

4. Muniyappa,

5. Bayyammal,

6. Rajammal,

7. Nagaraj,

8.Muniyamma,

9. Minor Vasanth,

10. Rajammal

...Respondents



Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order dated 04.04.2017 made in I.A.No.3 of 2017 in L.A.O.P. No.5 of 2009 on the file of the learned Sub-Ordinate Judge, Hosur.

For Petitioner : Mr.J. Hariharan
(For Nicholas)

For Respondents : Dr. S. Suriya
Additional Government Pleader
(For RR 1 & 2)
: Mr. S.N. Arun Kumar,
For RR 4 to 9.
: No Appearance for R3 & R10

ORDER

This Civil Revision Petition has been filed by the petitioner/defendant seeking to set aside the fair and decreetal order dated 04.04.2017 made in I.A.No.3 of 2017 in L.A.O.P. No.5 of 2009 on the file of the learned Sub-Ordinate Judge, Hosur.

2. The case of the petitioner is that the petitioner herein is the 6th claimant in the L.A.O.P. No.5 of 2009 on the file of the Sub-ordinate Judge, Hosur, who has filed I.A. No.3 of 2017 seeking to file additional Claim statement before the Court below as some important facts were



omitted in the main original petition in L.A.O.P. No.5 of 2009. After hearing both parties, it was dismissed by order dated 04.04.2017 holding that after completion of entire evidence, the claimant is not entitled to file additional claim statement and the application has been filed beyond limitation period. Being aggrieved over, 6th claimant/the petitioner herein has filed the present Civil Revision Petition to set aside the same.

3. The learned counsel for the petitioner would submit that the 6th claimant is the real owner of the property which was under acquisition. However, the compensation amount was awarded wrongly for 6 claimants in stead of awarding only for 6th claimant. In this regard, some important facts leading to the present case were omitted to be given in the claim statement of the 6th claimant/petitioner herein. Hence, the 6th claimant/petitioner herein required to file the additional claim statement before the Court below. However, the Court below declined to permit him to file additional claim statement in the main original petition and dismissed the I.A. No.3 of 2017 in L.A. O.P. No.5 of 2009. Further, he submitted that if the chance is not given to the 6th claimant to prove his claim in the L.A.O.P. No.5 of 2009, he would be put to great hardship and



difficulties. Hence, he prays to set aside the order dated 04.04.2017 in I.A.

No.3 of 2017 in L.A.O.P. No.5 of 2009 passed by the Court below.

4. The learned Additional Government Pleader would submit that after completion of evidence, the 6th claimant is not entitled to file additional claim statement after waiting for long period.

5. Heard both sides and perused the materials available on record.

6. Admittedly, the 6th claimant has purchased the property in Survey No.141/5 from the 1st claimant under a registered sale deed dated 06.03.2006 bearing Registration No.2891 of 2006. As he is one of the purchaser of the said property, his claim has to be proved by oral and documentary evidence. Even though the award amount has been deposited by the 1st respondent herein, no award amount has been received by the claimants. Further, it has been stated that the land acquisition officer without proper enquiry the concerning parties and ascertaining the real owner of the land has ordered the said compensation amount. Under such circumstances, an opportunity has to be given to the 6th claimant to prove



his claim over the property by which no hardship would be caused to other claimants. Hence, finding of the Court below is hereby set aside. Further, other claimants are given liberty to raise their objections before the Court below in L.A.O.P. No.5 of 2009. The proceedings shall be completed within a period of three months on merits. The parties concerned are hereby directed to file their proof affidavit before the Court below.

7. With the aforesaid directions, the Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

10.10.2022

Lbm

Index : Yes/No

Speaking Order : Yes/No

To

1. The Sub-Ordinate Judge, Hosur.
2. The Section Officer, V.R.Section
High Court, Madras.



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T.V.THAMILSELVI, J.

Lbm

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