



AS. No.506 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2023

CORAM:

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

A.S No. 506 of 2010

The Special Tahsildar

...Appellant

Vs.

1.Karunagaran(died)

2.Gopinath

3.Rajakumar

4.Sasikala

5.Kalavathy

R3 to R5 brought on record as legal heirs of the deceased first respondent viz., Karunagaran vide Court order dated 26.04.2022 made in CMP No.11877 of 2022 in A.S No. 506 of 2010(VBSJ)

...Respondents.

PRAYER : This first appeal is filed under section 54 of the land acquisition Act, to set aside the decree passed in LAOP No. 85 of 2002 dated 23.06.2006 on the file of Additional District and Sessions Court, F.T.C II, Ranipet.

For Petitioner : Mr.T.Chandrasekaran

Special Government Pleader (AS)



For R1 : Died
For R2 : Mr.T.P.Prabakaran
For R3, R4 and R5 : Mr.K.Anees Fathima

JUDGMENT

This petition has been filed to to set aside the decree passed in LAOP No. 85 of 2002 dated 23.06.2006 on the file of Additional District and Sessions Court, F.T.C II, Ranipet.

2. After the award was passed in LAOP No. 85 of 2002, E.P No. 130 of 2013 was filed and the same was pending before the Trial Court due to the pendency of the appeal. In the meanwhile, the matter in E.P No. 130 of 2013 was referred to lok Adalat. Thereafter, the matter was settled between the state/Tahsildar Land acquisition with the Gopinath/second respondent herein in Lok Adalat, as per the award the entire amount was deposited by the state to the Court and the same was received by the legal heirs of the second respondent. During the said proceedings the legal heirs of the first respondent herein respondents 3, 4 and 5 appeared through their counsel raised objection stating that during the pendency of the appeal the second respondent herein suppressing the pendency of the present appeal and received entire award amount by referring the matter to the lok Adalat they



AS. No.506 of 2010

raised objection to settle the issue before the Lok Adalat. Considering that letter was sent to the EP Court enquired about the reference made by LAOP 85 of 2002 and LAOP 90 of 2002 for referring the lok adalat during the pendency of the appeal.

3. The learned counsel for the respondents 3,4 and 4 submitted that as per the request made by the Government pleader of the Court below the matter was referred to Lok Adalat without mentioning about the pendency of the appeal. The learned Government Pleader appeared before this Court submits that there is no reply from the Government Pleader for his letter and on the other hand he admits that the matter was settled before the Lok Adalat at the request of the Government Pleader before the executing Court.

4. Heard both sides.

5. Considering the facts of the case, the learned counsel for the second respondent submits that the legal heirs of Karunagaran have no right over the suit property since because Ehiraj who is the original owner of the suit property settled the same in favour of his mother and his minor son Gopinath/second respondent herein in the year 1966 from that onwards the second respondent herein enjoyed the property absolutely. During the LAOP proceedings the first defendant who claimed himself as a son of one Eithiraj



AS. No.506 of 2010

and examined before the reference Court as L.W.1 in which, he deposed about his relationship with deceased Ethiraj father. Even he has not aware about the death date of his father. Further, on seeing the fact, the property in dispute is settled in the year 1964, till date the settlement deed dated 15.10.1966 is in force it was not challenged before any Court of law, as per the settlement deed the second respondent herein is the owner of the property, the said suit property was obtained by the state through acquisition proceedings, therefore they are right person to claim the award amount. Accordingly, the amount was withdrawn by the second respondent before the executing Court. If the legal heirs of the Karunagaran claiming ownership of the suit property they have the remedy before the appropriate forum. As on record, the matter was settled, appeal is closed as matter as settled. No cost. Consequentially, connected miscellaneous petition is closed.

08.09.2023

pbl



WEB COPY



AS. No.506 of 2010

T.V.THAMILSELVI,J.

Pb1

To

1. The Additional District and Sessions Court, F.T.C II, Ranipet.
2. The Section Officer,
V.R Section.

AS. No.506 of 2010

08.09.2023