



AS.No.568 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

AS.No.568 of 2016 and
CMP.No.14329 of 2016

1.B.Tajunnisa Begum
2.B.Najeebunnisa Begum

... Appellants

Vs.

1.Venugopal
T.P.Vadivel(died) rep. by LR's R3 to 6
2.Shakira Begum
3.Bakiyam
4.Arunadevi
5.Raja
6.Barathi Kannan
7.The Special Tahsildar and
Land Acquisition Officer,
Tamilnadu Housing Board,
Tirupattur Taluk, Vellore District
(No relief is sought for as against R1 & 3 to 6 and
they are given up in this appeal)

...Respondents



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PRAYER: Appeal Suit is filed under Section 96 and Order 41, Rule 1 of CPC to set aside the decree passed in LAOP No.13 of 2002 dated 27.04.2004 on the file of Additional District and Sessions Judge(FTC), Tirupattur, Vellore District.

For Appellants : Mr.A.Vimalraj

For Respondents

R1, 3 to 6 : Given up

For R2 : No appearance

For R7 : Mr.G.Velu,
Additional Government Pleader(AS)

JUDGMENT

This Appeal suit is filed against the award passed in LAOP No.13 of 2002 dated 27.04.2004 on the file of Additional District and Sessions Judge(FTC), Tirupattur, Vellore District.

2. The appellants are the sisters of the third claimant/the second respondent herein. After leave of this Court, they preferred this appeal suit. The seventh respondent herein acquired the property comprised in survey No.163/2 admeasuring 0.15.5 hectares (38 cents) owned by one, Venugopal. Even before acquisition, he had sold out the property in favour of one, Vadivel. However,



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there was no details about the purchasers of the respective lands. Hence, the compensation amount could not be paid to the land owner and the amount payable in respect of the said land was deposited before the court below under Section 30 of the Land Acquisition Act to decide the correct ownership. The first claimant/the first respondent herein i.e. the original owner of the land sold out the land admeasuring 8.25 cents to one, Vadivel on 16.02.1983 who is the second claimant and another extent of 8.25 cents in favour of one, Krishnamurthy on 02.03.1983. The remaining property to an extent of 21 ½ cents was with him. Insofar as the land admeasuring 8.25 cents purchased by the said Krishnamurthy was purchased by the appellants and the third claimant Shakira Begum by the registered sale deed dated 08.09.1983 vide document No.2548 of 1983. After purchase, they were in possession and enjoyment of the said property jointly. They were not served any notice for acquiring the said land. Though their sister was one of the claimants before the court below, she failed to produce the original sale deed and the parent sale deed before the trial court. Therefore, her claim was dismissed.

3. Now the appellants filed this appeal suit with leave of this Court



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and also filed miscellaneous petition in CMP.No.14329 of 2016 to produce the following documents as additional evidence:

<i>S.No</i>	<i>Date</i>	<i>Particulars</i>	<i>Doc.No.</i>
1	02.03.1983	Regd. Sale Deed executed by M.Venugopal in favour of M.Krishnamoorthy	569/1983 Regn.Copy
2	08.09.1983	Regd.Sale Deed executed by M.Krishnamoorthy in favour of Shakira Begum-1, B.Thajunnisa Begum-2, B.B.Najeebunnisa Begum	2548/1983 Regn.Copy

4. On perusal of the records filed along with the miscellaneous petition, revealed that the appellants and the third claimant jointly purchased the property admeasuring 8.25 cents from Krishnamoorthy by the registered sale deed dated 08.09.1983 vide document No.2548 of 1983. Now the amount of compensation in respect of the extent of 8.25 cents of land is lying with the trial court.

5. Considering the above, the miscellaneous petition in CMP.No.14329 of 2016 is allowed and the registered sale deed dated



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08.09.1983 vide document No.2548 of 1983 is marked as Ex.C4 since the appellants were not parties to the original proceedings before the trial court and also they were unable to mark the original sale deed.

6. In the result, this appeal suit is partly allowed and the impugned award insofar as the rejection of the third claimant's claim is modified to the effect that *'the appellants and the third claimant / the second respondent herein are entitled to receive compensation for the extent of 8.25 cents of land comprised in survey No.163/2'*. Now the amount of compensation is lying with the trial court. As such, they are permitted to withdraw the said amount by filing proper application before the court concerned. Insofar as the remaining portion of the award, the same is confirmed. There shall be no order as to costs.

13.12.2023

Index : Yes / No

Internet : Yes / No

Speaking order /Non-speaking order

lok

G.K.ILANTHIRAIYAN, J.

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To

WEB COPY

- 1.The Additional District and Sessions Judge(FTC),
Tirupattur, Vellore District
- 2.The Special Tahsildar and
Land Acquisition Officer,
Tamilnadu Housing Board,
Tirupattur Taluk, Vellore District
- 3.Section Officer,
V.R.Section,
High Court of Madras

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