



C.R.P.(PD) No.1045 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.03.2023

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THE HONOURABLE **MRS.JUSTICE T.V.THAMILSELVI**

**C.R.P.(PD) No.1045 of 2023**

Mahendran (Died)

1.M.Jaya

2.T.Usha

3.S.Nandhini

4.Nisha

Kannammal (Died)

... Petitioners

Vs.

1.The Special Tahsildhar (L.A.),  
SIPCOT, Sriperumbudur Scheme,  
Irungattukottai,  
Kancheepuram District.

2.The Managing Director,  
SIPCOT,  
No.17-A, Rukmani Lakshmipathy Salai,  
Egmore, Chennai – 8.

... Respondents



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Civil Revision Petition filed under Article 227 of Constitution of India to direct the Principal Subordinate Judge, Kancheepuram to call for the amount from Additional District Court No.I, Thiruvallur and disburse the same immediately to the parties with regard to L.A.O.P.No.1159 of 2003.

For Petitioners : Mr.G.Karthikeyan, Senior Counsel  
for M/s.A.Jagadeeswari

For R1 : Mr.B.Tamil Nithi  
Government Advocate

### **ORDER**

The Revision Petitioners who are the legal heirs of the deceased original claimant in L.A.O.P.No.1159 of 2003 on the file of the Principal Subordinate Judge, Kancheepuram, have filed this Civil Revision Petition to direct the Principal Subordinate Judge, Kancheepuram to call for the amount from Additional District Court No.I, Tiruvallur with regard to L.A.O.P.No.1159 of 2003 and disburse the same immediately to the Revision Petitioners.

2. The brief facts of the case are that the deceased original claimant has filed L.A.O.P.No.1159 of 2003 before Sub Court, Tiruvallur. Later, the said L.A.O.P.No.1159 of 2003 was transferred to the the Additional



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District Court No.1, Tiruvallur (Special Court for Land Acquisition Cases at Tiruvallur) and was disposed of by a common Judgment dated 14.11.2007. Against the said Judgment dated 14.11.2007, the respondents preferred an appeal before this Court in A.S.No.89 of 2011 which was dismissed and Cross Objection filed by the deceased original claimant was allowed *vide* order dated 11.10.2013.

3. During the pendency of the appeal and the Cross Objection, the original claimant died. After the dismissal of A.S.No.89 of 2011, the respondents have deposited the award amount of Rs.30,90,258/- on the credit of the Additional District Court No.1, Tiruvallur (Special Court for Land Acquisition Cases at Tiruvallur).

4. Before disbursing the amount to the Revision Petitioners as the legal heirs of the deceased original claimant, due to bifurcation of the District, the entire case records were transferred to the Principal Sub Court, Kancheepuram from Additional District Court No.1, Tiruvallur (Special Court for Land Acquisition Cases at Tiruvallur).



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5. Thereafter, the Revision Petitioners filed I.A.No.2 of 2022 before the Principal Sub Court, Kancheepuram to call for the amount deposited by the respondents on the credit of the Additional District Court No.1, Tiruvallur (Special Court for Land Acquisition Cases at Tiruvallur) in order to enable the Revision Petitions to withdraw the amount, to which, no objection was endorsed by the respondents.

6. However, Principal Sub Judge, Kancheepuram advised that no petition is maintainable before the Principal Sub Court, Kancheeparam and necessary petition may be filed before the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Thiruvallur) as the amount has already been deposited in the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Thiruvallur).

7. Therefore, the Revision Petitioners filed a Memo before the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Tiruvallur) to call for the entire case records in respect of above LAOP from the Principal Subordinate Court,



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Kancheepuram and the amount laying in the credit of the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Tiruvallur) in order to enable the Revision Petitioners to withdraw the award amount. The said Memo was returned on 22.02.2023 by the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Tiruvallur) stating that the L.A.O.P.No.1159 of 2003 on the file of the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Tiruvallur) was disposed on 14.11.2007 and the entire case records were transferred to Sub Court, Kancheepuram on point of jurisdiction. Now, the case bundle is available with the Sub Court, Kancheepuram.

8. Though “ Endorsement for No Objection” was made by the respondents before the Principal Subordinate Judge, Kancheepuram on 15.11.2022 which was noted in the order dated 15.11.2022 in I.A.No.1 of 2022, till date, the award amount was not ordered to be sent by the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Tiruvallur). Hence, the Revision Petitioners approached this Court seeking for a direction to Principal Subordinate



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Judge, Kancheepuram to call for the amount from the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Thiruvallur) and disburse the same to the Revision Petitioners.

9. The records reveal that the LAOP was filed in the year 2003 and finality attained after the disposal of appeal by this Court on 11.10.2013. The award amount was deposited by the respondent before the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Thiruvallur). Thereafter, the jurisdiction was bifurcated. Accordingly, the said LAOP was transferred to the Principal Subordinate Court, Kancheepuram.

10. Endorsement made by the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Thiruvallur) in the memo filed by the petitioners shows that case bundles were transferred to Sub Court, Kancheepuram. However, there is no endorsement with regard to the transfer of the award amount laying in the credit of the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Thiruvallur).



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11. It is seen that the Revision Petitioners were dragged from pillar to post to verify where the amount is located. The officers concerned as well as the staffs of the Court, in a very lethargic manner, returned the memo, as if they had no responsibility to give a proper reply for that memo. As far as the conduct of the officers concerned as well as the staffs of the Court is concerned, they are required to rectify the mistakes.

12. This Court therefore directs the Additional District Court No.1, Thiruvallur (Special Court for Land Acquisition Cases at Tiruvallur) to transfer the award amount of Rs.30,90,258/- laying in its credit to the Principal Subordinate Court, Kancheepuram, within a period of two weeks from the date of receipt of a copy of this order without causing any unnecessary delay.

13. The Revision Petitioners are entitled to file a proper application before the Principal Subordinate Court, Kancheepuram to withdraw the amount within a period of two weeks after the transfer of the amount from the Additional District Court No.1, Thiruvallur (Special Court for Land



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Acquisition Cases at Tiruvallur) to the Principal Subordinate Court,  
Kancheepuram.

14. Accordingly, this Civil Revision Petition is allowed. No cost.

31.03.2023

Internet : Yes/No

Index: Yes/ No

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Issue Order Copy on 03.04.2023

To

- 1.Principal Subordinate Judge,  
Kancheepuram.
- 2.The Additional District Court No.I,  
Thiruvallur.
- 3.The Special Tahsildhar (L.A.),  
SIPCOT, Sriperumbudur Scheme,  
Irungattukottai,  
Kancheepuram District.
- 4.The Managing Director,  
SIPCOT,  
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**T.V.THAMILSELVI, J.**

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