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Tr.CMP. No.858 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2023

CORAM :

THE HONOURABLE MRS.JUSTICE T.V.THAMILSELVI

TR.CMP No.858 of 2023
and C.M.P.No.20482 of 2023

Annapoorna

.... Petitioner

-Vs-

The Special Thasildhar (LA)
Land Acquisition Officer
Chennai City Water ways Scheme,
Ambattur, Chennai – 600 053.

.... Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of C.P.C., to withdraw the L.A.O.P.No.179 of 2007 pending on the file of Sub Court, Ponneri and transfer the same to VI Assistant City Civil Court, at Chennai.

For Petitioner : M/s. T.Jayanthi

For Respondent : Mr.T.Chandrasekaran
Special Government Pleader

ORDER

This petition has been filed by the petitioner seeking to withdraw the L.A.O.P.No.179 of 2007 pending on the file of Sub Court, Ponneri and transfer the same to VI Assistant City Civil Court, at Chennai.



2. The learned counsel for the petitioner submitted that the petitioner is the owner of the land bearing Survey No.192/1C, an extent 0.00.2, 192/2B1 measuring 0.01.0, in totally 0.01.5 cents, Patta No.3256 situated at No.52, Puzhal Village, Ambattur Taluk, Thiruvallur District. The said land was acquired by the referring Officer as per notification issued in the Gazette No.26, dated 03.02.2005 for the purpose of Chennai City Water way Scheme Chennai. The Acquisition proceedings were conducted and passed Award No.1/2006 on 30.11.2006. She further submitted that the Acquisition Officer fixed meager compensation amount a sum of Rs.11,440/- to the claimant, objection was made by him for meager compensation and the representations had given to the Referring Officer him for 18(1) reference. After received representation the Referring Authority referred for the 18(1) reference to enhancement proceedings.

3. Further, the learned counsel for petitioner submitted that the case was pending more than 10 years without any progress. She further submitted that the petitioner is aged about 62 years and he is unable to attend the court hearing at Ponneri. Hence, she prays to allow this petition.



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4. The learned Special Government Pleader appearing on behalf of the respondent stated that he raised formal objection for allowing this petition.

5. Considering the facts and circumstances of the case and also the fact that the case was pending from the year 2007 without any progress and the petitioner is aged about 62 years and he was unable to attend the court hearing at Ponneri. Therefore, the reason stated by the petitioner and the same is justifiable. Accordingly, the present Tr.C.M.P. is allowed and the L.A.O.P.No.179 f 2007 pending on the file of the Sub Court, Ponneri, is withdrawn and transferred to the file of the VI Assistant City Civil Court, Chennai. Consequently, connected miscellaneous petition is closed. No cost. Further, the learned VI Assistant City Court, Chennai, is directed to dispose of the case within a period of three months from the date of receipt of a copy of this order.

07.11.2023

Speaking / Non Speaking order
Neutral Citation : Yes/No
Index : Yes/No
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T.V.THAMILSELVI, J.

msrm

To

1.The Sub Court, Ponneri.

2.The VI Assistant City Civil Court, Chennai.

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(1/2)