



C.R.P(MD)No.1703 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE P.B.BALAJI

C.R.P(MD)No.1703 of 2018(PD)

and

C.M.P(MD)No.7352 of 2018

1.Puliyadi A.Balusamy Trust
represented by its Managing Trustee,
P.B.Ajit Babu

2.Puliyadi A.Balusamy Trust,
Represented by its Managing Trustee,
P.B.Biswajit Babu

3.Puliyadi A.Balusamy Trust,
Represented by its Managing Trustee,
P.B.Karuna Alagarsamy

:Revision Petitioners 1 to 3/
Petitioners 1 to 3/
3rd party claimants 1 to 3

.vs.

1.The District Revenue Officer,
Collector Office, Madurai.

.... 1st Respondent/
1st Respondent/Referring Officer

2.P.A.Jaswant Babu
Gulam Mahideen Ghorl Saibu (Died)

3.Murugesan

4.Elango

5.Shanthi



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6.Khader Nawas Khan

7.Jaffer Khan

8.Johny Begam

9.Hasan Banu

10.Basheri John

11.Nazema Begam

12.Sheeri Begam

...Respondents Nos.2 to 12/

Respondents Nos.2 to 12/

Claimants Nos.2 to 12

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order and Ex-order dated 13.04.2018 made in I.A.No.1090 of 2017 in NH LAOP No.31 of 2009 on the file of the Learned VI Additional District Judge, Madurai.

For appellants	:Mr.M.Thirunavukkarasu
For R1	:Mr.A.Baskaran Additional Government Pleader
For R2	:Mr.K.Sekar
For R6 to R12	:M/s.A.Niveditha for Mr.S.Madhavan
For R3 to R5	: No appearance

ORDER

This Civil Revision Petition is at the instance of the applicants, who approached the LAOP Court as third parties seeking to implead themselves in the proceedings as they were proper and necessary parties. The trial Court has dismissed the said application and aggrieved by the



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same, the said third parties are before this Court by way of above revision.

2. The grounds of challenge to the impugned order dismissing their impleading application are that the trial Court failed to see that the revision petitioners were proper and also necessary parties to the LAOP proceedings, “the properties were trust properties and not the individual properties of the second respondent” and in terms of Section 47 of the Trust Act, the second respondent was not within his authority to appoint a power agent for managing the trust properties as they were not his individual properties.

3. Heard the learned counsel appearing for the petitioners as well as the respondents 1,2,6 to 12.

4. I have perused the records including the impugned order.

5. Admittedly, the claim petition has been filed by the claimants before the VI Additional District Court, Madurai for compensation in respect of properties that were acquired by the National Highways.



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Pending LAOP proceedings, the revision petitioners filed I.A.No.1090 of 2017 seeking to implead themselves and according to the revision petitioners, the properties, which were acquired, belong to a Trust and in respect of the said Trust properties, the matter was already *subjudice* and in the said suit, the revision petitioners have also succeeded. However, it is stated that the second respondent has filed an appeal and the respondents 6 to 12 have filed an independent suit. Therefore, the counsel for respondents states that the revision petitioners cannot claim advantage of the decree in their favour and seek to implead themselves and it only prolongs to the land acquisition proceedings to determine the rightful claimants, namely, the respondents.

6. After considering the rival submissions advanced by the respective counsel for the parties, I am of the view that the revision petitioners have shown that they have semblance of right, title and interest in the subject properties. In fact, they did not even claim that the subject properties are their properties. It is their case that the properties belonged to Puliyadi A.Balusamy Trust and their grievance is that the second respondent is trying to take away the entire compensation in the land acquisition proceedings, behind their back.



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7. Admittedly, O.S.No.749 of 2013, on the file of the II Additional Sub Court, Madurai is one for declaration at the instance of the revision petitioners and the said suit has been decreed which factum is not disputed by the counsel for the respondents. The decree is in favour of the petitioners and even though the said judgment is under challenge at the instance of the second respondent, at this stage, it would be just and proper to hear the revision petitioners also, who are only claiming as managing trustees and trustee of the Puliyadi A.Balusamy Trust. The trial Court without advertting to these facts, has erroneously dismissed the application to implead the revision petitioners. I feel that no prejudice will be caused to all the claimants, namely, the respondents herein if the LAOP is decided in the presence of the revision petitioners, especially, when a decree of a competent Court declaring that the revision petitioners are entitled to manage the said Puliyadi A.Balusamy Trust has been passed. Therefore, I am constrained to interfere with the order of the trial Court dismissing the application to implead the revision petitioners.



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8. In fine, this Civil Revision Petition is allowed and the order passed by the learned VI Additional District Judge, Madurai in I.A.No. 1090 of 2017 in LAOP No.31 of 2009 dated 13.04.2018 is set aside. The revision petitioners shall be allowed to participate in the LAOP proceedings and considering that the LAOP is of the year 2009, the trial Court shall take expeditious steps to dispose of the LAOP in accordance with law, after affording fair opportunity to all the parties, including the revision petitioners as well as other claimants namely the respondents 2, 6 to 12 and to dispose of the LAOP within a period of six months from the date of commencement of enquiry. No costs. Consequently, connected miscellaneous petition is closed.

18.10.2023

Index:Yes/No
Internet:Yes/No
NCC:Yes/No
AM

To
The VI Additional District Court,
Madurai.



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P.B.BALAJI,J.

am

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