



C.R.P(MD)No.2721 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

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1. Kaliasammal
2. Chellammal
3. Nallasamy
4. Chellappan
5. Chellammal
6. Rajalakshmi
7. Sangeetha
8. Karthiga
9. Saraswathi
10. Subramani
11. Maruthamuthu
12. Thangavel

...Petitioners/Plaintiffs

(Plaintiffs 7 and 8 are represented through their power agent and mother, the 6th Plaintiff)



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Vs.

1. The Land Acquisition Officer cum
District Revenue Officer,
Collectorate Office,
Dindigul District.

2. Ayyanakutty

3. Muthuraj

4. The District Collector,
Collectorate Office,
Dindigul District.

..Respondents/Defendants

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the Additional District Court, Palani to dispose the suit in O.S.No.104 of 2021 within a time frame and pass such further or other orders as this Court.

For Petitioner : Mr. D. Venkatesh



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ORDER

This Civil Revision Petition is filed seeking a direction to the learned Additional District Judge, Additional District Court, Palani, to dispose of the Suit in O.S.No.104 of 2021 within a time frame in the interest of justice.

2. Heard the learned counsel appearing for the petitioner and perused the material available on record.

3. The petitioners are the plaintiffs and the respondents are defendants in the suit in O.S.No.104 of 2021 on the file of the Additional District Court, Palani, for declaration and that the suit property belonging to the petitioners and for a consequential relief to disburse the compensation amount of Rs.91,04,700/- (Rupees Ninety One Lakh Four Thousand and Seven Hundred only) to the petitioner for acquiring the suit property under the Land Acquisition Act.



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4. The learned counsel for the petitioners submit that on 08.10.2021 the respondents entered their appearance through their counsel and thereafter, it is adjourned time to time for filing written statement without any further progress. I.A.No.66 of 2022 filed by one Ramalakshmi to implead herself as 5th defendant in the suit and the petitioner filed their objections in the said Interlocutory Application. The learned counsel would submit that the suit is pending for more than two years and now it is adjourned from 08.10.2021 for filing of written statement.

5. The learned counsel further submits that the compensation amount for acquiring the land is lying with the first respondent from 13.08.2020 onwards and the petitioners are unable to get the compensation amount for all these years due to the flimsy objections raised by the respondents 2 and 3.

6. The learned counsel further submits that the petitioners are being senior citizens, considering the same



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appropriate orders may be passed directing the learned Additional District Judge, Additional District Court, Palani, to dispose of the suit at an early date.

7. Considering the relief sought in this Civil Revision Petition and in view of the order going to be passed by this Court which will not prejudice any rights of the respondents, this Court intends to dispose of the Civil Revision Petition at the admission stage by dispensing with the notice to the respondents, in the interest of justice.

8. Having heard the learned counsel for the petitioners and on careful perusal of the material available on record, the suit is filed in the year 2021 and till now no written statement is filed by the respondents. If the contention of the petitioner that the written statement is not filed till now in the suit is filed in the year 2021 is true, definitely it is against to the procedure contemplated under the Code of Civil Procedure. Sometimes normally the



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respondents/defendants used to make such attempts to drag on the matter on one pretext or another. It is the duty of the trial Court to strictly follow the procedure provided under the Code of Civil Procedure.

9. In view of the above, in the considered opinion of this Court, it is appropriate to direct the learned Additional District Judge, Additional District Court, Palani, to dispose of the suit in O.S.No.104 of 2021 on its file, within a time frame, in the interest of justice.

10. Accordingly, this Civil Revision Petition is disposed of with a direction to the learned Additional District Judge, Additional District Court, Palani, to dispose of the suit in O.S.No.104 of 2021 on its file, as expeditiously as possible, preferably, not beyond the period of six months from the date of receipt of a copy of this order.



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11. No costs.

20.10.2023

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

RM

To

1. The Additional District Judge,
Additional District Court,
Palani.
2. The Land Acquisition Officer cum
District Revenue Officer,
Collectorate Office,
Dindigul District.
3. The District Collector,
Collectorate Office,
Dindigul District.



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BATTU DEVANAND, J.

RM

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