



CRP.No.1206 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.1206 of 2019

K.Elumalai

...Petitioner

Vs.

1.The State of Tamil Nadu
Rep.by Secretary (Land Acquisition)
Ezhilagam, Chepauk, Chennai 600 005.

2.The District Collector
Kancheepuram District
Kancheepuram.

3.The Special Tahsildar
SIPCOT Scheme, Sriperumbudur
(incharge of Thirumangalam Village)
Sriperumbudur Taluk
Kancheepuram Distirct.

4.The Managing Director
SIPCOT
Dr.Lady Sivasamy Salai
Egmore, Chennai 8.

5.K.Elumalai

...Respondents



CRP.No.1206 of 2019

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the docket order dated 3.11.2015 passed in unnumbered IA.in (SR) No.7708 of 2015 in L.A.O.P.No.135 of 2003 by the Sub-Court, Kacheepuram, based on the Award No.1/2000 dated 19.03.2000 of the third respondent.

For Petitioner : Mr.S.L.Sundarsanam

For Respondents : Mr.V.Jeeva Giridharan for R1to R3
Additional Government Pleader

Mr.Ramesh Venkatachalapathy for R4

Mr.N.Ponraj for R5

ORDER

This Civil Revision Petition is filed challenging the order passed by the Sub-Court, Kanchipuram dismissing the petition filed to implead the petitioner as claimant in LAOP.No.135 of 2003.

2. It is seen from the typed set of papers that an extent of 0.26.0 Hectares in S.No.295/2C in Thirumangalam Village, Sriperumbudur Taluk, Kanchipuram District was acquired for the benefit of the fourth respondent.



CRP.No.1206 of 2019

The third respondent passed an award fixing the value of the land at the rate of Rs.400/- per cent. On request made by then claimant one Elumalai son of Kannappa Naicker, the 5th respondent herein, a reference was made under Section 18 of the Land Acquisition Act by the third respondent to the Court. The said reference was numbered as LAOP.No.135 of 2003 on the file of the Sub-Court, Kanchipuram and compensation amount was enhanced to Rs.3,500/-. Aggrieved by the same, the third respondent herein preferred an appeal in A.S.Nos.752 to 767 of 2010 on the file of the High Court, Madras. This Court disposed of the appeal by fixing the market value of Rs.15,620/- per cent. The Referring Officer deposited a sum of Rs.20,05,458/- before the Sub-Court, Kanchipuram on 26.03.2015. When erstwhile claimant Elumalai son of Kannappa Naicker has filed a petition to issue a cheque in his favour, the petitioner herein namely K.Elumalai, son of Kanniyappan Naicker filed the instant application for his impleadment as claimant in the LAOP claiming right over acquired lands. The said application was dismissed by the Court below mainly on the ground that it was not for the reference Court under Section 18 of Land Acquisition Act, to decide the title of the respective parties. Aggrieved by the said order, the petitioner is before this Court.



CRP.No.1206 of 2019

WEB COPY

3. The learned counsel for the petitioner submitted that the fifth respondent herein Elumalai son of Kanappa Naicker has no interest over the acquired land and by making misrepresentation he participated in the award proceedings as well as in the proceedings for enhancement of compensation. As soon as the petitioner acquired knowledge about impersonation made by the fifth respondent, he had filed the instant application to implead himself as party in the proceedings pending before the Court below.

4. It is seen from the records that the compensation amount has already been paid to the fifth respondent. However, this Court by the order dated 11.07.2019 issued a direction to the respondents 2 & 3 to recover the award amount already disbursed to the fifth respondent and deposit the same before this Court into the account of Civil Revision Petition in CRP.No.1206 of 2019.

5. The learned Additional Government Pleader appearing for the respondents 1 to 3 on instructions submitted that the compensation amount



CRP.No.1206 of 2019

disbursed to the fifth respondent was recovered from him and the same was deposited to the credit of CRP.No.1206 of 2019.

6. The petitioner herein wants to implead himself in LAOP.No.135 of 2003, which is a reference under Section 18 of the Land Acquisition Act. The petitioner is making a claim to the compensation amount mainly on the ground that he is the real owner of the property and the fifth respondent has no right of title over the property in person. Therefore, there is a dispute between the petitioner and the fifth respondent with regard to the title and interest over the land acquired which is a subject matter of the acquisition.

7. In such circumstances, the Court considering a reference under Section 18, cannot decide the rival claim of the parties with regard to the title and consequently, the Court below rightly dismissed the impleading application filed by the petitioner. However, in view of dispute between the petitioner and fifth respondent with regard to the title over the subject matter of the acquisition, this Court deems it appropriate to direct the respondents 2



CRP.No.1206 of 2019

& 3 to make a reference to Competent Civil Court under Section 30 of the Land Acquisition Act in order to decide the person entitled to receive compensation amount. Based on the decision rendered in such a reference under Section 30 of the Land Acquisition Act, the person found to be entitled to claim compensation is at liberty to file appropriate application for withdrawal of the amount already in deposit. Till the person entitled to receive compensation is decided in a reference under Section 30 of Land Acquisition Act, the amount in deposit shall not be disbursed.

8. With these clarifications, this Civil Revision Petition is disposed of. No costs.

28.02.2024

Index : Yes / No
Internet : Yes / No
dna



CRP.No.1206 of 2019

To

WEB COPY

- 1.The Sub-Court, Kacheepuram
- 2.The Secretary (Land Acquisition)
Ezhilagam, Chepauk, Chennai 600 005.
- 3.The District Collector
Kancheepuram District
Kancheepuram.
- 4.The Special Tahsildar
SIPCOT Scheme, Sriperumbudur
(incharge of Thirumangalam Village)
Sriperumbudur Taluk
Kancheepuram Distirct.
- 5.The Managing Director
SIPCOT
Dr.Lady Sivasamy Salai
Egmore, Chennai 8.



WEB COPY



CRP.No.1206 of 2019

S.SOUNTHAR, J.

dna

CRP.No.1206 of 2019

28.02.2024



CRP.No.1206 of 2019

C.R.P.No.1206 of 2019

WEB COPY

S.SOUNTHAR,J.

After pronouncement of order, the learned counsel for the petitioner made a request that time limit may be fixed for making reference under Section 30 of Land Acquisition Act.

2. In view of the fact that the acquisition had taken place nearly two decades ago, this Court is inclined to issue a direction to respondents 2 and 3 to make a reference within a period of six weeks from the date of receipt of copy of this order.

28.02.2024

nr



WEB COPY



CRP.No.1206 of 2019

S.SOUNTHAR, J.

nr/dm

CRP.No.1206 of 2019

28.02.2024