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C.R.P.[NPD].No.4196 of 2024

**THE HIGH COURT OF JUDICATURE AT MADRAS**

**Date : 22.11.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR**

**C.R.P.[NPD].No.4196 of 2024**

1. P.Ramesh
2. B.Kannan
3. S.Purushothaman
4. P.Elamurugu

Petitioners 1 to 4 rep. by their Power of Attorney Agent

D.Jayaprakash

. . . Petitioners

**Versus**

1. The Special Tahsildar [L.A.],  
M.R.T.S.Phase-II Extension,  
Thirumayilai Railway Station,  
Mylapore, Chennai – 600 004.
2. The Secretary Balaji Nagar Government  
Employees Welfare and House Site Society,  
Adambakka, Chennai – 600 088.

3. Mr.K.Jegadeeswaran

. . . Respondents



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**PRAYER :** Petition filed under Article 227 of Constitution of India to set aside the impugned Order of the learned Sub Court, Alandur dated 19.08.2024 and accordingly allow the I.A.No.12 of 2024 in Land Acquisition Original Petition No.1559 of 2021 and to direct that the Original Petition be disposed of expeditiously within the time frame fixed by this Court.

For petitioners : Mr.S.Ganesan

Respondents : Mr.D.Gopal, Government Advocate – R1

Mr.P.Raja – R2

Mr.T.Ramachandran – R3

### **ORDER**

Challenge has been made to the impugned Order dismissing the application for receiving additional documents, the present Civil Revision Petition has been filed.

2. The revision petitioners are the claimants in a land acquisition proceedings in which they have filed an application to receive additional



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documents in I.A.No.12 of 2024 and the same has been dismissed by the trial Court on the ground that since the matter is very old, permitting application will delay the issue further.

3. The learned counsel appearing for the revision petitioner would submit that the respondents have taken out applications to reopen, recall and to mark additional documents and the said applications have been allowed by the trial Court. Only in order adduce contra evidence, the petitioners have sought to mark the additional documents. However, the trial Court has dismissed the application. Hence, the present Civil Revision has been filed.

4. Whereas, the learned counsel appearing for the respondents would contend that the documents have been sought to be introduced to establish their right and therefore, the same cannot be entertained.

5. Heard both sides and perused entire materials available on record.



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6. Claiming a share in the land acquisition compensation the Original Petitions have been filed. The revision petitioners now claims a right on the basis of a settlement deed said to have been executed in their favour in the year 1990. Whereas, the respondents dispute the said document stating that the property has already been sold in favour of the respondents. Now an attempt has been made to show that as if there is a settlement deed. Hence, as both the parties are claiming right and dispute is with regard to execution of the document and applications filed by the respondents in I.A.Nos.9, 10 and 11 of 2024 have been allowed by the trial Court, the application filed by the revision petitioners ought to have been allowed by the trial Court. But the same has been dismissed on the same day.

7. According to the revision petitioners, the documents are sought to be marked only to prove contra evidence to the documents filed by the respondents. Hence, this Court is of the view that, marking of the document will not amount to proving the document. Proof is a different aspect. If the document is disputed, it has to be proved in the manner known to law. If the



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document is disputed, the concerned person has to be summoned and tested before the Court. Therefore, the trial Court ought to have granted an opportunity to the petitioners to file the documents and the documents shall be marked subject to proof and relevancy. If the respondents have any serious objections in marking the documents, the objections of the respondents have to be recorded at the time of marking the documents and the trial Court shall consider the objections at the time of final disposal.

8. Accordingly, this Civil Revision Petition is allowed and the Order passed by the trial Court in I.A.No.12 of 2024 in O.P.No.1559 of 2021 is set aside and the documents shall be marked subject to proof and relevancy. If any objections are raised by the respondents at the time of marking the documents, the same shall be recorded in the evidence and the same shall be considered by the learned Sub Judge at the time of disposal of the Original petition. No costs.

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**N. SATHISH KUMAR, J.**

VTC

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**22.11.2024**