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Tr.C.M.P.No.900 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.09.2024

CORAM :

THE HON'BLE MR.JUSTICE V.LAKSHMINARAYANAN

Tr.C.M.P.No.900 of 2024
and C.M.P.No.19772 of 2024

Vimala

.. Petitioner

Versus

The Special District Revenue Officer (LA), Chennai,
Kanyakumari Industrial Corridor Project,
RDO Office, Kanchipuram.

.. Respondent

Prayer : Transfer Civil Miscellaneous Petition is filed under Section 24 of the Code of Civil Procedure, 1908, to withdraw the L.A.O.P.No.155 of 2024 on the file of the learned Principal District Judge at Kallakurichi and transfer to the learned Principal District Judge, Cuddalore district and try the same.

For Petitioner : Mr.S.Vinoth Kumar

For Respondent : Mr.R.Sidharth,
Government Advocate

ORDER



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This Transfer Civil Miscellaneous Petition is at the instance of the claimant in L.A.O.P.No.155 of 2024 on the file of the learned Principal District Judge at Kallakurichi.

2. The subject matter of the Land Acquisition Original Petition is the notification, dated 23.07.2020 issued under Section 15(2) of the Tamil Nadu State Highways Act, 2001. The claimant filed a Writ Petition seeking for reference and the Writ Petition also came to be allowed on 30.09.2022. Thereafter, the learned Principal District Judge at Cuddalore finding that the properties are situated at Kattunemili village, Ulundurpet which falls within Kallakurichi district, returned all the papers for the Special District Revenue Officer, Land Acquisition to present before the District Court at Kallakurichi.

3. The grievance of the petitioner is that by the impugned notification, as many as 69 L.A.O.Ps have been initiated and 65 of such L.A.O.Ps are pending before the District Court at Cuddalore. It is only on account of the fact that the properties are situated within Kallakurichi district, her L.A.O.P was numbered elsewhere. She would plead that she is a permanent resident



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of Mangalam pettai in Cuddalore district and she is working as a School Teacher in the Government Modern Girls Higher Secondary School at Ulundurpet. She states that the distance between Cuddalore and Kallakurichi is more than 100 kms and finds it very difficult to travel to Kallakurichi to prosecute the claim petition. Hence this petition.

4. When this petition came up for hearing, I requested the learned Government Pleader to get instructions in this regard. Today, on instructions, he has produced the entire file which would point out that on 26.10.2023, the learned Principal District Judge, Cuddalore, finding that the property which is the subject matter of acquisition is situated within the district of Kallakurichi, returned the papers for presentation before the proper Court. Thereafter, the Special District Revenue Officer filed the reference before the learned Principal District Judge, Kallakurichi and the same was numbered as L.A.O.P.No.155 of 2024.

5. Heard Mr.S.Vinoth Kumar, learned Counsel for the petitioner and Mr.R.Siddharth, learned Government Advocate for the respondent.



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6. A perusal of the file shows by a notification, 69 properties had been covered. Therefore, interest of justice requires that one learned Judge shall deal with all the Claim Petitions which arise therefrom. No fault can be found with the learned Principal District Judge, Cuddalore for sending the papers to Kallakurichi. However, taking into consideration the difficulties expressed by the claimant, I am inclined to withdraw L.A.O.P.No.155 of 2024 from the file of the learned Principal District Judge at Kallakurichi and transfer the same to the file of the learned Principal District Judge at Cuddalore. The learned Principal District Judge at Cuddalore shall club L.A.O.P.No.155 of 2024 along with L.A.O.P.No.65 of 2023 (batch) and dispose of the same.

7. With the above directions, this Transfer Civil Miscellaneous Petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

27.09.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To



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1. The Principal District Judge,
Kallakurichi.
2. The Principal District Judge,
Cuddalore.
3. The Special District Revenue Officer (LA), Chennai,
Kanyakumari Industrial Corridor Project,
RDO Office, Kanchipuram.



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V.LAKSHMINARAYANAN, J.

grs

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