



S.A.No.738 of 2021

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 13.06.2024

CORAM

THE HONOURABLE **MR. JUSTICE ABDUL QUDDHOSE**

S.A.No.738 of 2021

Manickavasagar (died)

1.Karthikeyan

2.Devaraj

3.Kalayarasi

4.Minor Kanimozhi

5.Minor Sivajothi

.. Appellants

Vs

1.The Collector,
Cuddalore District.

2.The Special Tahsildar (ADW),
Adidravidar Welfare Department,
Collectorate,
Cuddalore – 1.

3.The Land Acquisition Officer (RDO),
Collectorate, Cuddalore.

4.The Tahsildar,
Kurinjipadi,
Cuddalore District.

.. Respondents

Prayer: This Appeal is filed under Section 100 CPC against the judgment and decree dated 26.02.2019 passed in A.S.No.30 of 2017 by the Principal Subordinate Court, Cuddalore, confirming the judgment and



S.A.No.738 of 2021

decree passed by the Additional District Munsif Court, Cuddalore, in O.S.No.344 of 2014, dated 16.02.2017.

For Appellants : Mr.P.Muthukumarasamy

For Respondents : Mr.B.Tamil Nidhi, AGP

JUDGMENT

This second appeal has been filed challenging the concurrent findings of the Courts below.

2. The suit has been filed for a declaration that the suit schedule property is owned absolutely by the plaintiffs. In the suit, the appellants herein are the plaintiffs and the respondents herein are the defendants. In the forthcoming paragraphs, the parties are described as per their litigative status in the suit.

3. The Trial Court, by its judgment and decree dated 16.02.2017 passed in O.S.No.344 of 2014, dismissed the suit based on the admitted fact that the suit schedule property has been acquired by the Government under the Land Acquisition Act for Adi-Dravidar Welfare. Though the plaintiffs had filed documents, which are marked as exhibits before the



S.A.No.738 of 2021

Trial Court, the said documents are irrelevant, since it is an admitted fact that the suit schedule property has been legally acquired by the Government in the year 1987 itself.

4. Aggrieved by the judgment and decree passed by the Trial Court, the plaintiffs had filed first appeal before the Principal Sub-Court, Cuddalore, in A.S.No.30 of 2017. The Lower Appellate Court has rightly confirmed the findings of the Trial Court by dismissing the first appeal on 26.02.2019, in view of the admitted fact that the suit schedule property has been vested with the Government pursuant to the land acquisition proceedings completed in the year 1987 itself.

5. The Special Tahsildar (ADW), Cuddlore, vide proceedings dated 13.11.2014, addressed to the third appellant, has specifically stated that the suit schedule property has already been acquired by the Government in the year 1987 itself and after the award passed by the Special Tahsildar (ADW), vide Award No.7/86-87, dated 27.03.1987, the plaintiffs had also signed in the voucher meant for receipt of compensation. Therefore, both the Courts below have rightly held that the plaintiffs do not have any legal right over the suit schedule property,



S.A.No.738 of 2021

as the Government had acquired the suit schedule property in the year 1987 itself for the purpose of Adi-dravidar Welfare. It is also noted that pursuant to the land acquisition proceedings completed in the year 1987 itself, the said acquisition has also not been challenged by the plaintiffs.

6. For the foregoing reasons, there is no substantial question of law involved in this appeal. Accordingly, the second appeal is dismissed. No Costs.

13.06.2024

Index: yes/no
Neutral citation: yes/no
rkm



WEB COPY



S.A.No.738 of 2021

To

1.Principal Sub-Court,
Cuddalore.

2.Additional District Munsif Court,
Cuddalore.



WEB COPY



S.A.No.738 of 2021

ABDUL QUDDHOSE,J.

rkm

S.A.No.738 of 2021

13.06.2024