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C.R.P.[NPD].No.4703 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 20.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

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1. Murugesan
Kuppusamy
2. Kumari
3. Gangatharan

. . . Petitioners

Versus

1. The Secretary to Government, Industries Department,
State Secretariat, Fort St. George, Chennai – 600 009.
2. The District Collector, O/o.the District Collector at
Kancheepuram, Kancheepuram District, Tamilnadu.
3. The Special District Revenue Officer, Land Acquisition Office,
SIPCOT Extension Project [Oragadam], No.39-A, CSI School Lane,
Nehru Street, Sriperumbudur – 602 105, Kancheepuram District,
Tamilnadu.
4. The Chairman cum Managing Director, SIPCOT,
No.19-A, Dr.Rukmani Lakshmipathi Road, Egmore,



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Chennai – 600 008, Tamil Nadu.

5. The Special Officer Cum Director of Rural Development,
Tamilnadu Bhoodan Board, Panagal Malligai Building,
Saidapet, Chennai.

6. The Special Tahsildhar [L.A.],
Oragadam SIPCOT Expansion Planning Unit,
Sriperumbudur – 602 105, Kancheepuram District.

7. The Tahsildhar,
Land Acquisition Office,
SIPCOT Extension Project [Oragadam]
No.39-A, CSI Schol Lane, Nehru Street,
Sriperumbudur – 602 105, Kancheepuram District,
Tamilnadu.

. . . Respondents

PRAYER : Petition filed under Article 227 of Constitution of India to set aside the docket Order dated 05.11.2024 made in I.A.No.24 of 2024 in Un.LAOP.No.10770 of 2021 on the file of the learned Principal Sub Court, Kancheepuram by allowing this Civil Revision Petition.

For petitioner : Mr.C.Harish

For Respondents : Mr.E.Vijay Anand
Additional Government Pleader – R1 to R7



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ORDER

Challenging the docket Order passed by the Subordinate Judge, Kancheepuram in I.A.No.24 in UN LAOP.No.10770 of 2021 wherein the appellate Court rejected the application filed by the petitioner for payment of land acquisition compensation.

Brief background of the case is as follows :

The petitioners' father one Seeman and others claimed compensation for the land acquisitions made by the State. They filed a Writ Petition in W.P.Nos.1309 and 17307 of 2008. The Writ Petitions have been dismissed as against which Writ Appeals in W.A.Nos.153 and 154 of 2010 have been filed before the Division Bench of this Court and the Writ Appeal have been allowed and there was a direction to the respondents to pay the compensation without insisting for the distribution deed. Pursuant to the said Order, SLP has been filed in Miscellaneous Application Diary No.23845 of 2021 in Diary No.15846 of 2019 and the Supreme Court by an Order dated 29.10.2021



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dismissed the appeals. The said Order reached finality. Pursuant to the said Order, the compensation amount has been deposited before the Land Acquisition Tribunal. In the meanwhile, the petitioners' father Seeman died. Therefore, an application has been filed by his legal heirs for payment of the compensation amount payable to their father Seeman. That application has been rejected on the ground that the father name of Seeman is Vembuli in the Death Certificate, which is different than the name mentioned in the Writ Petitions and held that the petitioners are not the beneficiaries and hence, rejected the application.

The learned Senior Counsel appearing for the petitioner would contend that the name of the petitioners' father is Vembuli @ Anjooran. Merely because alias name has not been referred in the Writ Petitions, it cannot be said that the petitioners are not the legal heirs of the said Seeman. It is his further contention that the State is also not having any objection for releasing the payment. In fact the learned counsel appearing for the State also made an endorsement in this regard. Despite the same, the impugned Order has been



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passed and hence, submitted that the impugned Order has to be set aside.

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Since the Order has been passed by the execution Court in payment out petition and the State has made an endorsement to the effect that they have no objection, this Court is of the view that notice to respondents is not required.

It is relevant to note that it is not disputed about the deposit of the compensation before the Tribunal pursuant to the Order of this Court. It is an admitted case that one Seeman prosecuted the Writ Appeal and succeeded as against the State. In the meanwhile, the said Seeman had died and his death is also not disputed. Only when the application for payment is made by the legal heirs, the impugned Order came to be passed. It is further relevant to note that the Land Acquisition Tribunal has rejected the application on the ground that there is difference in father's name of Seeman in the death certificate and the name found in the Writ Petitions. It is also relevant to note that when there is any question as to legal representatives arise before the Court, the Court has to determine the said issue and give an opportunity to the parties to lead evidence. Order XXII Rule 5 of the Code of Civil Procedure makes it clear



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that when an issue with regard to the question of legal representative arise, the Court has to determine the said issue and an opportunity has to be given to the parties to adduce oral as well as documentary evidence. Without giving any opportunity, rejecting the claim at the threshold itself, cannot be sustained in the eye of law. Hence, the Order of the tribunal has to be set aside.

Accordingly, this Civil Revision Petition is allowed and the impugned docket Order dated 05.11.2024 passed in I.A.No.24 of 2024 in Un.LAOP.No.10770 of 2021 is set aside and the learned Principal Sub Judge, Kancheepuram shall be given an opportunity to the revision petitioner to establish their stand by adducing both oral as well as documentary evidence and pass Orders on the same. Such an exercise shall be completed within a period of two months from the date of receipt of a copy of this Order. No costs.

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Index : Yes / No

Internet: Yes

Speaking/non speaking order

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