



A.S.(MD)No.204 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.08.2024

CORAM:

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

AND

THE HONOURABLE **MR.JUSTICE K.K.RAMAKRISHNAN**

A.S(MD)No.204 of 2014

V.Pachaikannu Thevar

... Appellant

Vs.

1.The Competent Authority and Special
District Revenue Officer,
Land Acquisition, National Highways,
Tirunelveli-11.

2.The Special Tahsildar,
Land Acquisition Unit-II,
National Highways Expansion Scheme,
Valliyoar, Tirunelveli District.

3.C.Subramania Thevar (died)

(The respondents 15th to 21st are added as L.Rs., on 02.07.2004 as per I.A.No. 124 of 2004)

4.T.Lakshmanan

5.C.Sivasubramanian

6.C.Sivasubramanian

7.C.Subramanian

8.D.Sivasangu

9.A.Alagammal

10.E.Balakrishnan

11.K.Muthammal

12.S.Saroja

13.C.Kanthasamy



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14. The Governor of Tamil Nadu,
Through District Collector,
Tirunelveli.

15. Parvathi

16. Sankarammal

17. Chidambaram

18. Kalyani

19. Raman

20. Lakshmanan

21. Sankarammal

22. Kandasamy

23. Chellathai

...Respondents

(As per order in I.A.No.7 / 2011 dated 01.02.2011)

PRAYER: Appeal Suit filed under Section 96 of C.P.C., praying to set aside the order dated 21.07.2014 in O.P.No.17 of 2010 on the file of the learned Principal District Judge, Tirunelveli Division, Tirunelveli.

For Appellant : Mr.S.Palanivelayutham

For R1, R2 & R14 : Mr.M.Sarangan,

Additional Government Pleader

For R5, R11 to R13

R21 to R23 : Dismissed vide Order dated 04.07.2018

For R6 to R10 : No Appearance

JUDGMENT

(Judgment of the Court was delivered by ***P.VELMURUGAN, J.***)

This Appeal Suit is filed against the order passed in O.P.No.17 of 2010, dated 21.07.2014 on the file of the learned Principal District Judge, Tirunelveli Division, Tirunelveli.



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2.The acquisition, award and quantum are not in dispute. The only dispute between the parties is about share. Therefore, the suit in O.S.No.195 of 2007 has been filed and the same was dismissed. On appeal in A.S.No.60 of 2010, the Sub Court, Valliyoor remitted back the suit to the trial Court and subsequently, the suit was decreed.

3.In that view of the matter, since there is no dispute regarding the acquisition and the quantum and now, the civil Court also decided the rights and shares of the parties in the suit and there is no challenge against the decree and judgment passed by the civil Court, the authorities are directed to disburse the amount to the parties as per the decree passed by the civil Court in O.S.No. 195 of 2007, on the file of the Principal District Munsif Court, Valliyoor within a reasonable time.

4.With the above direction, this Appeal Suit is disposed of. No costs.

[P.V, J.] & [K.K.R.K., J.]
08.08.2024

NCC : Yes / No
Index : Yes/No
Internet : Yes/No

Yuva



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To

1.The Competent Authority and Special
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Land Acquisition, National Highways,
Tirunelveli-11.

2.The Special Tahsildar,
Land Acquisition Unit-II,
National Highways Expansion Scheme,
Valliyoore, Tirunelveli District.

3.The Governor of Tamil Nadu,
Through District Collector,
Tirunelveli.

4.The Section Officer,
Vernacular Records,
Madurai Bench of Madras High Court,
Madurai.



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P.VELMURUGAN, J.
AND
K.K.RAMAKRISHNAN, J.

Yuva

JUDGMENT MADE IN
A.S.(MD)No.204 of 2014

08.08.2024