



C.R.P(MD)No.1773 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.04.2024**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

C.R.P(MD)No.1773 of 2019

and

C.M.P(MD)No.9104 of 2019

Chellaram

... Petitioner / Petitioner/
Plaintiff

Vs.

1.P.Pitchai Pillai

2.Rajamani

3.Murugan

4.Natarajan

5.Thirupathi

6.Jothimani

7.Ramakrishnan

8.P.Ranjitham

9.A.Pappathi

10.Venkatesan



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11.The District Collector,
Collector Office,
Theni-Madurai Road, Theni,
Theni District.

12.The Special District Revenue Officer
(Land Acquisition),
National Highways,
Complex of Collector Office,
Theni, Theni District.

13.The Special Tahsildar (Land Acquisition),
National Highways,
Complex of Collector Office,
Theni, Theni District.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, to allow this civil revision petition against fair and decreetal order, dated 07.08.2019 in I.A.No.312 of 2019 in O.S.No.21 of 2018 passed by the Sub Court, Periyakulam.

For Petitioner : Mr.B.Rajesh Saravanan

For R1 - R10 : No Appearance

For R11 - R13 : Mr.C.Satheesh
Government Advocate

ORDER

The present revision petition has been filed by the plaintiff in a suit for partition, challenging the order passed by the trial Court wherein the trial Court has dismissed the application filed by the plaintiff for impleading the officials connected with land acquisition proceedings.



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2. The revision petitioner herein had filed O.S.No.21 of 2018 before the Sub Court, Periyakulam for the relief of partition and separate possession. Pending suit, a portion of the second schedule property had been acquired for the purpose of construction of road by the National Highways. Therefore, the plaintiff had filed I.A.No.312 of 2019 to implead the District Collector, Special District Revenue Officer (Land Acquisition), National Highways and Special Tahsildar (Land Acquisition), National Highways, so that any amount determined as compensation can be deposited before the Court.

3. The trial Court had chosen to dismiss the application that in a suit for partition, the official respondents are unnecessary parties and without filing an application under Section 80 of Code of Civil Procedure, the present impleading application is not maintainable. Challenging the same, the present revision petition has been filed.

4. From the records, it could be seen that while a suit for partition is pending, a portion of the second schedule property has been acquired by the National Highways. In view of Section 3H (4) of the National Highways Act, whenever an acquisition happens and there is a dispute



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among the parties with regard to the entitlement or apportionment of the compensation amount, the same has to be referred by the competent authority to the Civil Court. In the present case, partition suit is already pending between the parties. Therefore, the competent authority shall deposit the determined compensation amount to the credit of O.S.No.21 of 2018 pending on the file of the Sub Court, Periyakulam. On such deposit, the trial Court is directed to deposit the said amount in an interest bearing account in a nationalized bank. Depending upon the result of the suit, the amount could be disbursed. Therefore, there is no necessity to implead the official respondents.

5. With the above said observations, this Civil Revision Petition stands disposed of. No costs. Consequently, connected Civil Miscellaneous Petition is closed.

01.04.2024

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

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To

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Periyakulam.
- 2.The District Collector,
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- 3.The Special District Revenue Officer
(Land Acquisition),
National Highways,
Complex of Collector Office,
Theni, Theni District.
- 4.The Special Tahsildar (Land Acquisition),
National Highways,
Complex of Collector Office,
Theni, Theni District.
- 5.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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R.VIJAYAKUMAR ,J.

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Order made in
C.R.P(MD)No.1773 of 2019

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