



C.R.P(MD)No.2797 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM :

THE HONOURABLE Mr. JUSTICE G.ILANGO VAN

**C.R.P(MD)No.2797 of 2024
and
C.M.P(MD)No.15794 of 2024**

Thaika T.S.Abu Ayub,
Through his Power Agent,
A.R.Dulkiperkhan

... Petitioner / Petitioner

Vs

The Special Tahsildar,
Land Acquisition (ADW),
Ramanathapuram.

... Respondent / Respondent

Prayer : This Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the docket order passed in I.A.No.1 of 2024 in E.P.No.29 of 2022 in L.A.O.P.No.10 of 2002 dated 11.06.2024 on the file of the Subordinate Judge, Ramanathapuram by allowing this Civil Revision Petition.

For Petitioner : Mr. N.Mohamed Sherbudeen

For Respondent : Mr.N.Ramesh Arumugam
Government Advocate



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ORDER

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This Civil Revision Petition is filed to set aside the docket order passed in I.A.No.1 of 2024 in E.P.No.29 of 2022 in L.A.O.P.No.10 of 2002 dated 11.06.2024 on the file of the Subordinate Judge, Ramanathapuram by allowing this Civil Revision Petition.

2. The facts in brief is that L.A.O.P.No.10 of 2002 was filed by one Thaika T.S.Abu Ayub, through his the power agent namely A.R.Dulkiperkhan for enhancement of compensation fixed for the land acquisition made by the respondent. That was allowed by the Tribunal fixing the same as Rs.2925/- per cent along with 30% solatium and interest as per the procedure. The Government namely the respondent herein deposited the award amount i.e., a sum of Rs.19,95,572/-. The revision petitioner filed a cheque application in I.A.No.1 of 2024 in E.P.No.29 of 2022 seeking transfer of the deposited amount, to his Savings Bank Account bearing No.18731530005055, HDFC Bank Ltd., Ramanathapuram. The execution Court by the impugned order directed the original petitioner namely Thaika T.S.Abu Ayub to be present before the Court with his photo identification proof, bank account details for



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receiving the cheque amount. Against which this Civil Revision Petition is preferred.

3. Learned counsel petitioner would submit that the power of attorney is the competent person to receive money on behalf of the original petitioner, since in the power deed itself the revision petitioner has mentioned that he is entitled to file cheque petition in this matter and so there is no necessity for the original petitioner to be present before this Court to receive the amount and he is referring to the order of this Court reported in W.P.No.13633 of 2017 dated 10.10.2022.

4. No doubt that the original petitioner was represented by the power agent namely A.R.Dulkiperkhan. No doubt that he was entitled to file cheque application before the execution Court. But the problem lies in getting order to transfer the amount deposited by the officer to the personal account of the Power Agent. When the money is involved even if the original petitioner is represented by the power agent, the Tribunal thought it fit to approach the matter in a cautious manner which cannot be considered to be illegal. Order 3 Rule 1 of C.P.C., reads as under :

Order III - Recognized Agents and Pleaders



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1. Appearances, etc, may be in person, by recognized

agent or by pleader -

Any appearance, application or act in or to any Court, required or authorized by law to be made or done by a party in such Court may, except where otherwise expressly provided by any law for the time being in force, be made or done by the party in person, or by his recognized agent, or by a pleader appearing, applying or acting, as the case may be, on his behalf;

Provided that any such appearance shall, if the Court so directs, be made by the party in person."

5. Reading of this provision makes it clear that the Court is well within the power to direct the party to be present in person. Moreover, transferring of the amount deposited in the Court deposit account to a personal account of the Power Agent, must be avoided. Only to avoid future complications, that order has been passed. I find no reason to interfere with the order of the trial Court and the petitioner is directed to comply the order made in I.A.No.1 of 2024 in E.P.No.29 of 2022 in L.A.O.P.No.10 of 2002 dated 11.06.2024 by the Subordinate Judge, Ramanathapuram.



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6. With the above said observation and liberty, this Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition stands closed.

19.11.2024

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

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To

- 1.The Subordinate Judge, Ramanathapuram.
- 2.The Special Tahsildar, Land Acquisition (ADW),
Ramanathapuram.
3. The Section Officer, VR Section,
Madurai Bench of Madras High Court, Madurai.



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G.ILANGO VAN, J.

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