



CRP. No.459 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on:04.08.2025

Pronounced on:14.08.2025

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THE HONOURABLE MR.JUSTICE P.B.BALAJI

CRP. No.459 of 2025

and CMP. No.2753 of 2025

Mr.S.B.Lakshmipathy Reddiyar

Petitioner

Vs

1.M/s.St.Josephs Charity Trust,
Rep. By its Secretary N.Bright Samson.

2.The Special District Revenue Officer,
Land Acquisition, Chennai Metro Rail Ltd.,
Nandanam, Chennai – 600 035.

3.The Special Tahsildar,
Land Acquisition,
Chennai Metro Rail Limited,
Nandanam, Chennai – 600 035.

Respondents

PRAYER: This Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order in I.A. No.07 of 2024 in L.A.O.P. No.61 of 2023 dated 04.12.2024 passed by the learned Principal Judge, City Civil Court, Chennai.

For Petitioner : Mr.B.Gopalakrishnan
For Respondents : Mr.V.Chandrasekar for
S.Jaganathan for R1
Mr.N.Muthuvel,
Government Advocate for R2 & R3



ORDER

The claimant in LAOP. No.61 of 2023, aggrieved by the order permitting impleadment of the 1st respondent in the land acquisition proceedings, is the revision petitioner herein.

2. I have heard Mr.B.Gopalakrishnan, learned counsel for the revision petitioner and Mr.V.Chandrasekar, learned counsel for the 1st respondent and Mr.N.Muthvel, learned Government Advocate for respondents 2 and 3.

3. The revision arises out of land acquisition proceedings which were initiated for acquisition of land for the benefit of Chennai Metro Rail Limited (CMRL). LAOP.No.61 of 2023 was filed before the Principal Judge, City Civil Court, Chennai and the revision petitioner is the claimant in the said proceedings.

4. The learned counsel for the revision petitioner would state that an extent of 3,320 sq.ft approximately, was subject matter of the acquisition and insofar as the proposed respondent who sought impleadment, the learned counsel for the petitioner would state that the



1st respondent had only entered into an oral agreement of sale with one K.Devasahayam, who was the power of attorney agent of all the owners, admittedly.

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5. A suit for possession was filed by the LR's of the original land owners against the third party which came to be decreed and it is stated that the claimant is not a party to the said proceedings. The learned counsel for the revision petitioner would therefore state that the case of the impleading party was never accepted by the claimant and all transactions have taken place behind his back. Pointing out to the fact that CMRL has already taken possession and award has also been passed and the proposed party being a rank trespasser who had encroached into the petitioner's property, learned counsel would state that the 1st respondent is not even entitled to an audience.

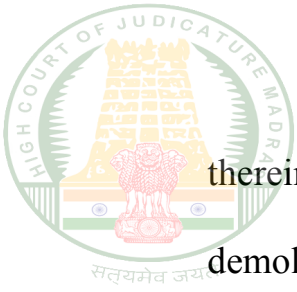
6. Per contra, Mr.V.Chandrasekar, learned counsel for the 1st respondent would state that admittedly, possession had been taken only from the 1st respondent Trust which runs a School and the question of whether the 1st respondent is an encroacher or trespasser as alleged cannot be decided at the stage of considering the impleading Application.



The learned counsel for the 1st respondent would therefore state that the proposed party was certainly an interested person who claims to have paid the entire sale consideration to the general power of attorney agent, that too admittedly appointed by the land owners and he would therefore contend that there is no infirmity in the order of the Trial Court permitting the impleadment.

7. I have carefully considered the submissions advanced by the learned counsel on either side.

8. It is an admitted fact that the 1st respondent has claimed to be the absolute owner of the property and when the 1st respondent was arranging to construct a compound wall to secure the property, unknown persons restrained the 1st respondent from putting up any construction. According to the 1st respondent, there was a second attempt which necessitated the 1st respondent to file a suit in O.S.No.6835 of 2012 for a permanent injunction. The alleged encroachers filed a suit in O.S.No. 9222 of 2010 against the 1st respondent herein and others for recovery of possession, yet another suit was filed by the 1st respondent herein in OS.No. 9223 of 2010 for permanent injunction to restrain the defendants



therein from interfering with the suit schedule property either by demolition or removal of the same.

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9. The suit in O.S.No.9222 of 2010 was admittedly decreed and O.S.No.9223 of 2010 came to be dismissed, which was challenged by the 1st respondent in AS.No.511 of 2011. Admittedly, the said appeal is pending. It is claimed by the revision petitioner that the 1st respondent does not have any legal right and he has played fraud on the Court. It is also seen that there is one another set of litigation filed by the proposed respondent namely, 1st respondent herein in O..No.11165 of 1992 and 11546 of 1996, the said suits were decreed initially on 26.09.2000 against which the said K.Devasahayam filed Appeal suits in A.S.No.242 and 243 of 2002, the said Appeals were allowed as against which the 1st respondent filed Second Appeal in S.A. No.609 and 630 of 2005 which came to be dismissed on 11.03.2009. As against the decision in the Second Appeal, the 1st respondent filed SLP.No.7368 and 7368 of 2009 and the same also came to be dismissed on 09.04.2009 and the said proceedings have attained finality.



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10. Relying on the same, it is contended by the learned counsel for the petitioner that the 1st respondent has no right over the property and he is therefore neither a proper nor a necessary party to be impleaded in the land acquisition proceedings.

11. On the other hand, it is the case of the 1st respondent that the 1st respondent had been in possession of the subject lands and his possession is also protected by the interim order of stay granted by this Court in AS.No.511 of 2011. It is the contention of the 1st respondent that the 1st respondent Trust decided to purchase the subject lands and after receiving part sale consideration, K.Devasahayam who represented the land owners had put the 1st respondent in possession and the 1st respondent Trust is running a School in the said premises, right from 15.07.1992. Inter-se disputes between the said K.Devasahayam and the 1st respondent herein culminated in O.S.No.11165 of 1992 and C.S.No.1599 of 1994, the said C.S.No.1599 of 1994 has been transferred to the City Civil Court and re-numbered as O.S.No.11546 of 1996.

12. No doubt, the decisions in these Appeals have become final up to the Hon'ble Supreme Court, however, yet another suit was filed by



Devasahayam in C.S.No. 284 of 1996 for recovering possession from the 1st respondent. In OA.No.420 of 2003, this Court permitted the 1st respondent to put up construction in the suit property, subsequently the suit has been re-numbered as O.S.No.9222 of 2010 before the City Civil Court, Chennai. The other suit in O.S.No.9223 of 2010 was filed for injunction, again relating to the subject lands.

13. There were also Appeals before this Court in A.S.No.17 of 2013, A.S.No.511 and 568 of 2011 which are admittedly pending. The Trial Court after discussing the respective contentions of the petitioner and the 1st respondent, regarding tracing of title to one Dasaratha Reddiyar held that there being several cases pending in Court at various levels with regard to the inter-se disputes, the 1st respondent would have to be made a party in the land acquisition proceedings in order to determine the entitlement of the parties to compensation. Apart from the litigation that has attained finality before the Hon'ble Supreme Court, as rightly held by the Trial Court there are several other on-going litigations between the parties and in such view of the matter when the 1st respondent claims title to the subject lands, the 1st respondent would



certainly fall within the ambit of a person interested as defined under

Section 3(b) of the Land Acquisition Act, 1989 (1 of 1894). Definition of

Section 3(b) of the Act, is extracted as hereunder:

“3(b) the expression “person interested” includes all persons claiming an interest in compensation to be made on account of the acquisition of land under this Act; and a person shall be deemed to be interested in land if he is interested in an easement affecting the land;”

14. Reading of the same indicates that the definition has wide connotations and would certainly bring the 1st respondent within the said definition in order to have an effective adjudication of the entitlement of the parties to compensation in the land acquisition proceedings, the 1st respondent would certainly be a proper and necessary party.

15. I do not find any infirmity in the order passed by the Trial Court permitting impleadment of the 1st respondent. Consequently, there is no merit and the Civil Revision Petition is dismissed. Needless to state that the claimant will have an opportunity to cross examine the newly impleaded party. Connected Miscellaneous Petition is also dismissed.

No costs.

14.08.2025

rkp

Index : Yes / No

Internet : Yes / No



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P.B.BALAJI, J.,

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Pre-delivery order in
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