



C.R.P.(PD)(MD).No.1819 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.08.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

C.R.P.(PD)(MD)No.1819 of 2025

1.Rosaline Ebenezer

2.Jackuline

3.Roselind

4.Selwyn

... Petitioners

Vs.

1.Sulochana

2.Sivaraj

3.Srinivasan

4.The District Revenue Officer,
Tuticorin,
Tuticorin Town and District.

... Respondents

PRAYER: Civil Revision Petition - filed under Section 115 of the Civil Procedure Code, to set aside the order dated 08.02.2010 passed in L.A.O.P.No.50 of 2009 on the file of the Principal District Court, Tuticorin by allowing this Civil Revision Petition.



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For Petitioners : Ms.P.Jessi Jeevapriya
For R4 : Mr.B,Saravanan
Additional Governance Pleader
For R1 to R3 : No Appearance

ORDER

This Civil Revision Petition is filed challenging the order dated 08.02.2010 passed in L.A.O.P.No.50 of 2009 by the Principal District Court, Tuticorin.

2.The petitioners are the owners of the properties in Survey No.253/4, 253/1b4b. In that property, 150.35 sq.meter land was acquired for expansion of National Highways and an award was also passed on 07.08.2008 determining the award to the tune of Rs.3,24,319/-. Since the Land Acquisition Officer was not able to ascertain the real owner of the subject property, he made reference under Section 3 -H (4) of the Land Acquisition Act and the said reference was numbered as L.A.O.P.No.50 of 2009 on the file of the Principal District Court, Tuticorin. In that petition, the names of the respondents 1 to 3 were impleaded as per the revenue records. Since the father of the petitioners is the original purchaser of the property in question,



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the petitioners filed an impleading application to get themselves impleaded in that petition. The said application was rejected by the trial Court. Further, since the respondents 1 to 3 have not entered appearance, the reference was also closed. Challenging the same, the present Civil Revision Petition is filed.

3.The learned counsel for the petitioners submits that admittedly, the land in question was acquired by the Land Acquisition Officer. Only at the time of disbursing the compensation amount, there was a doubt with regard to the real owner of the property, hence, the matter was referred to the trial Court. Since the revenue records reflects the names of the respondents 1 to 3 with regard to the subject property, they were impleaded in that petition.

4.The learned counsel for the petitioner further submits that the father of the petitioners purchased the property in question and he is the real owner of the subject property. He further submits that a suit in O.S.No.361 of 2003 filed by the fourth petitioner with regard to the property in question was decree in favour of the petitioners and the appeal filed as against the decree and judgment in A.S.No.36 of 2018 was also dismissed on 11.02.2021 and the



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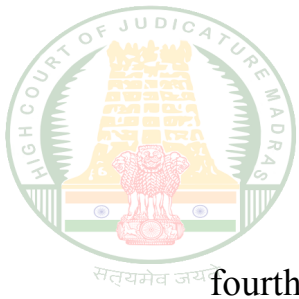
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said order has become final. Therefore, there will not be any legal impediment to the fourth respondent to disburse the compensation amount to the petitioners with accrued interest. Accordingly, he prayed for appropriate orders.

5.Per contra, the learned Additional Government Pleader appearing for the fourth respondent submits that there was no claim before the fourth respondent with regard to the compensation amount for the property in question. Thereby, the reference was made. If the petitioners produce appropriate documents before the fourth respondent, necessary action will be taken in accordance with law.

6.Though notice has been served by way of substituted service and their names are printed in the cause list, there is no representation on behalf of the respondents 1 to 3.

7.In view of the above submission, the petitioners are directed to produce the decree and judgment in O.S.No.361 of 2003 and A.S.No.36 of 2018 before the fourth respondent forthwith. On receipt of the same, the



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fourth respondent is directed to conduct proper enquiry and disburse the compensation amount strictly in accordance with the decree and judgment made in O.S.No.361 of 2003. The above said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of a copy of this order.

8. With the above directions, this Civil Revision Petition is disposed of.

No costs.

14.08.2025

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

1. The Principal District Court, Tuticorin.

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

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M.DHANDAPANI,J.

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