



A.S.No.1150 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.04.2026

CORAM :

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

**A.S.No.1150 of 2004
and C.M.P.No.19247 of 2004**

Thangaswamy

.. Appellant

Versus

1. Mathivalli
2. Sethuvarayan
3. Shanmugam
4. Special Tahsildar No.2,
(Land Acquisition Officer),
Neyveli.

.. Respondents

Prayer : Appeal Suit filed under Section 54 of the Land Acquisition Act to allow the first appeal setting aside the decree and judgment, dated 10.02.2004 passed in L.A.O.P.No.291 of 2002 by the Court of Sub-Judge, Viruthachalam, Cuddalore District.

For Appellant : Mr.P.Ganapathy

For Respondents : No Appearance for RR-1 to 3

**: Mr.M.Murali,
Government Advocate for R4**



A.S.No.1150 of 2004

ORDER

WEB COPY

The instant Appeal Suit has been filed challenging the award made by the Reference Court rejecting the claim of the appellant for compensation to the property that was acquired by the Government and holding the respondent Nos.2 and 3 to be entitled for compensation based upon Ex.C1.

2. Heard Mr.P.Ganapathy, learned Counsel for the appellant and Mr.M.Murali, learned Government Advocate for the fourth respondent. The respondent Nos.1 to 3, inspite of having been served with notice, had neither entered appearance nor represented today and they were called absent. Hence, they were set ex parte.

3. It is the case of the appellant that the property was purchased by him under Ex.C2 and he had also relied upon Ex.C3 to Ex.C5 which were the revenue records such as patta, chitta, adangal which had preceded the acquisition proceedings to substantiate that he has been in possession of the property from the date of his acquiring the same under the Ex.C2. He submits that the respondent Nos.2 and 3, in whose favour the award has been apportioned, except marking Ex.C1, which also do not stand in their



A.S.No.1150 of 2004

name, had not marked any other document to substantiate that they are the legal heirs of the person in whose name Ex.C1 stood. They have also not substantiated that they were in possession of the property. The Court below had also failed to note that the award by the acquiring authority had only been made in his favour and hence, he seeks indulgence of this Court.

4. I have considered the arguments made by the learned Counsel appearing on either side and perused the material records of the case.

5. In a claim for compensation of the land acquired by the fourth respondent, claimants had made representations and their claims were forwarded to the Reference Court and the Reference Court had held that the respondent Nos.2 and 3 were only entitled to receive compensation of the land that was acquired. A reading of the judgment would indicate that the second respondent had examined himself as C.W.1 and had marked Ex.C1, sale deed, which stands in the name of one Lakshmana Padayachi. It is the claim of the second respondent that the property was purchased by the said Lakshmana Padayachi, of whom, the respondent Nos.2 and 3 are sons and after his death, they have been in possession and enjoyment of the property. To substantiate the same, they had not produced any document to



A.S.No.1150 of 2004

indicate that they are the legal heirs of the deceased Lakshmana Padayachi, nor any revenue records to prove their possession. On the other hand, the appellant, who was the first claimant, had examined himself as C.W.2 and had marked Ex.C2, under which, he had purchased the property and Ex.C3 to Ex.C5, the revenue records namely, the patta, chitta and adangal to substantiate that he had been in possession of the property. The Court below, on the admission made by the appellant herein in his cross-examination that he had not verified the Encumbrance Certificate, had held that the sale by the appellant herein was void as there was a prior sale in respect of the property that had been acquired, in favour of the predecessor in interest of the respondent Nos.2 and 3. In this context, it is seen that the respondent Nos.2 and 3 had firstly not substantiated that they are the legal heirs of the said Lakshmana Padayachi. On the other hand, the appellant had substantiated that after the purchase in the year 1994 under Ex.C2, he had been in the possession of the property.

6. For the aforesaid reasons, the judgment, dated 10.02.2004 passed in L.A.O.P.No.291 of 2002 by the learned Sub-Judge, Viruthachalam, Cuddalore district, stands set aside and this Appeal Suit stands allowed and as a sequel, the appellant is entitled to receive the compensation that had



A.S.No.1150 of 2004

been fixed for the acquisition of the land. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

06.04.2026

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Sub-Judge,
Viruthachalam, Cuddalore District.
2. The Special Tahsildar No.2,
(Land Acquisition Officer),
Neyveli.



WEB COPY



A.S.No.1150 of 2004

K.KUMARESH BABU, J.,

grs

A.S.No.1150 of 2004
and C.M.P.No.19247 of 2004

06.04.2026