



WEB COPY

CRP No. 1079 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21-04-2026

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

CRP No. 1079 of 2025

AND

CMP NO. 6147 OF 2025

1. Kala
W/o. Elumalai, Res. at No.136/142, K.P.
Garden, Madhavaram, Chennai – 60.
2. Vinoth
S/o. Elumalai, Res. at No.136/142, K.P.
Garden, Madhavaram, Chennai - 60.
3. Vimalraj
s/o. Elumalai, Res. at No.136/142, K.P. Garden,
Madhavaram, Chennai - 060.
4. Pavithra
D/o. Elumalai, Res. at No.136/142, K.P.
Garden, Madhavaram, Chennai - 060.

..Petitioner(s)

Vs

Elumalai (died)

1. The Special Tahsildar (LA)
MRL-Aromatic Scheme, Saidapet,
Chennai – 015.
2. The Advisor
Arochem.
3. Mani
S/o. Ganesan, No.3, Udaiyar Thottam, 3rd
Street, Madhavaram, Thiruvallur, Chennai -
060.



4. Kumar
S/o. Ganesan, No.1/320, Athikulamedu Periya
Mathur, Mathur, Manali, Chennai - 068.
5. Sundar
S/o. Ganesan, No.2/257, Muthu Nagar Teachers
Colony, Periya Matur, Manali, Chennai - 068.
6. Sasikala
D/o. Ganesan, W/o. Mahendiran, No.112,
Chenji Post, Ramankoil, Senji, Thiruvallur -
203.
7. Josephin
W/o. Murugesan, Res. at No.3, 6th Street,
Seetharam Nagar, Kodungaiyur, Chennai - 118.
8. M. Rajan
S/o. Murugesan, Res. at No.3, 6th Street,
Seetharam Nagar, Kodungaiyur, Chennai - 118.
9. M. Angel Mary
d/o Murugesan, W/o. Anthoni Raj, Res. at No.3,
6th Street, Seetharam Nagar, Kodungaiyur,
Chennai - 118.
10. Sophiya
D/o. Murugesan, Res. at No.3, 6th Street,
Seetharam Nagar, Kodungaiyur, Chennai - 118.
11. Ranal
S/o. Murugesan, Res. at No.3, 6th Street,
Seetharam Nagar, Kodungaiyur, Chennai - 118.
12. Nirmala
W/o. thanikachalam, Res. at No.2/21,
Govindasamy Street, Ashwarya Nagar,
Selavayal, Kodungaiyur, Chennai - 118.
13. Prasanna
D/o. Thanikachalam, Res. at No.2/21,
Govindasamy Street, Ashwarya Nagar,
Selavayal, Kodungaiyur, Chennai - 118.

**14.Rajesh Prabhu**

S/o. Thanikachalam, Res. at No.2/21,
Govindasamy Street, Ashwarya Nagar,
Selavayal, Kodungaiyur, Chennai - 118.

15.Lavinna

D/o. Thanikachalam, Res. at No.2/21,
Govindasamy Street, Ashwarya Nagar,
Selavayal, Kodungaiyur, Chennai - 118.

16.Shobana

D/o. Thanikachalam, Res. at No.2/21,
Govindasamy Street, Ashwarya Nagar,
Selavayal, Kodungaiyur, Chennai - 118.

17.Sumathi

W/o. Sarangan, Res. at No.4, Udaiyar Garden,
3rd Street, Madhavaram, Chennai - 060.

18.Jagan

S/o. Sarangan, Res. at No.4, Udaiyar Garden,
3rd Street, Madhavaram, Chennai - 060.

19.Salina

D/o. Sarangan, W/o. Raji, No.26, Balaji Nagar,
Athipattu, Chennai 120.

20.Jagannathan

S/o. Munusamy, No.22, Thiruppur Kumaran
Street, Puzhal, Chennai - 066.

21.Thenmozhi

D/o. Munusamy, No.1/260, Kullanur Bharathi
Nagar, Lakkiampatti, Dharmapur Collectorate,
Dharmapuri -705.

22.Suresh

S/o. Munusamy, Res at No.22, Thiruppur
Kumaran Street, Puzhal, Chennai - 066.

23.Manikandan

S/o. Munusamy, Res at No.22, Thiruppur



Kumaran Street, Puzhal, Chennai - 066.

..Respondent(s)

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PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the order dated 04.01.2024 passed in IA No.1 of 2023 in LAOP No.1665 of 1998 on the file of the Principal Subordinate Court at Ponneri.

For Petitioner(s): Mr.S.I.Sharukumar
for Mr.K.Elangovan

For Respondent(s): Mr.N.Muthuvel
Government Advocate (CS) For R1
Mr.S.S.Rajesh For R2
Mr.M.N.Kathir
for Mr.G.Pavendhan for R3 To R23

ORDER

Challenging the impugned order dated 04.01.2024 passed in IA No.1 of 2023 in LAOP No.1665 of 1998 on the file of the Principal Subordinate Court at Ponneri, the wife of the first respondent, Elumalai has preferred this revision.

2. The learned counsel submits that at the time of enquiry conducted by the Special Tahsildar during the land acquisition proceedings, all the legal heirs of Ganesan, namely, brothers and sister of the said Elumalai appeared and submitted that they have no objection to give compensation to the said Elumalai. On that basis, the Special Tahsildar recorded the statement and gave award to the said Elumalai and he has also received that compensation.



Thereafter, he preferred LAOP No.1665 of 1998 for enhancement and pending proceedings, the proposed claimant filed an application under Order 22 Rule 3 r/w. Section 151 of CPC to implead them as claimants in the said LAOP and inspite of the objections raised on the side of the said Elumalai, the said application was allowed by the trial judge by observing that on verification the property belongs to Elumalai's father Ganesan. He died leaving behind eight sons and one daughter and all are omitted to be included. Therefore, he permitted to include the proposed claimants as respondents 4 to 7 and allowed the application. Aggrieved over the same, the revision is preferred by the wife of Elumalai since he died pending proceedings.

3. The learned counsel submits that at the time of acquisition proceedings, all the legal heirs of Ganesan, brothers and sister of Elumalai have no objection to give compensation to the said Elumalai and accordingly, an endorsement was made by them which was also recorded by the Special Tahsildar at the time of passing of the award in the year of 1995. Thereafter for enhancement the said Elumalai took efforts. Now after long years the present claimants have come forward to cause interference in the process for which they are not entitled. Since already they have given no objection to receive the compensation entirely by the said Elumalai, he pray to set aside the order passed by the trial judge in IA No.1 of 2023.



4. The learned counsel appearing for the proposed claimants / respondents submits that the property originally belongs to Ganesan which was under acquisition by the Special Tahsildar and the said Ganesan died leaving behind eight sons and one daughter. Admittedly, the said Elumalai is the elder son without knowing others knowledge, the compensation was attempted to be grabbed by Elumalai. Therefore, having come to know about all the proceedings now they filed the application to implead them as claimants which was rightly observed by the court below.

5. Considering the land acquisition proceedings, it shows that the property which was acquired ancestrally belongs to Ganesan and he had eight sons and one daughter and admittedly Elumalai is the elder son who has appeared before the Special Tahsildar for acquisition proceedings, wherein it was also recorded that the property is ancestral in nature. But the learned counsel for the revision petitioner relied on the statement wherein it is mentioned that the said Elumalai appeared for the enquiry and other legal heirs also appeared and they endorsed that the compensation amount may be paid to said Elumalai, which shows that already they submitted no objection for receiving the award amount. Therefore, they are not entitled to cause interference in other continuous proceedings.



6. The fact reveals that the property belongs to one Ganesan, who died leaving behind his eight sons and one daughter and Elumalai is the only elder son of the family, but other legal heirs were not impleaded. Mere statement recorded by the Special Tahsildar alone is not sufficient to conclude that they have given up their right. The notice was served only to Elumalai there is no proof the notice was served to other legal heirs and there is no concrete proof that the other legal heirs were also present on that day, as rightly pointed out by the learned counsel for the respondents. Therefore, the objections raised on the side of the revision petitioner is not sustainable. All parties are directed to cooperate for the proceedings and the trial judge is directed to dispose of LAOP No.1665 of 1998 within a period of twelve weeks from the date of receipt of a copy of this order.

7. Accordingly, this Civil Revision Petition is dismissed. No costs. Consequently, the connected Civil Miscellaneous Petition is closed.

21-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

MTL



To

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1. The Principal Subordinate Court at Ponneri.
2. The Special Tahsildar (LA),
MRL-Aromatic Scheme, Saidapet,
Chennai – 015.



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T.V.THAMILSELVI J.

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