

IN THE COURT OF PRINCIPAL DISTRICT JUDGE AT TIRUVALLUR
PRESENT: Tmt.J. JULIET PUSHPA, B.Sc, M.L.,
Principal District Judge, Tiruvallur

Wednesday, the 20th day of August, 2025

I.A.1/2023 in LAOP.233/2020
(CNR No. TNTR0100364529020)

S. Sailaja

....Petitioner/Proposed 2nd Claimant

I.A.2/2024 in LAOP.233/2020
(CNR No. TNTR0100364529020)

1. Dr. V. Deepthi,
2. V. Sandeep @ Harikrishnan

....Petitioner/Proposed Claimants 3 and 4

/Vs/

1. Kalaparipoorna

...1st Respondent / Claimant

2. The Special Tahsildar (LA) Unit VI
Outer Ring Road Project CMDA
3. Member Secretary, CMDA, Egmore, Chennai

...Respondents 3 and 4 /
respondents

These petitions coming for final hearing on 31.07.2025 in the presence of M/s N.R. Ananda Ramakrishnan, learned counsel for petitioners/proposed claimants in both the petitions , and M/s B.S. Jothiraman, J. Harshini, learned counsel on record for the 1st respondent and Thiru.E. Vijayakumar, learned Government Pleader appearing for the respondents 2 and 3 upon hearing both side , and perusing the material case records and stood over for consideration till this date, this Court delivered following:-

COMMON ORDER

These petitions are filed by petitioners under Order 1 Rule 10(2) of C.P.C.

praying to implead the petitioner as the Claimants 2 to 4 in the Original Claim Petition in LAOP.233/2020.

2. **The averments in common the Petitions filed by the Petitioners in common are as follows:-**

According to the petitioners, the petitioner in I.A.1/2023 and one Girija who is the mother of petitioners in I.A.2/2024 are the daughters of E. Jayaram Reddy and Nagarathinammal, who died leaving the petitioner, Kala Prapoorna, Girija and Venkataraman as his legal heirs. Venkataraman died in 1994, Girija married to Veeraraghavlu Reddy, Sandeep and V. Deepthi were the children of Girija and Veeraraghavlu Reddy, and the said Girija and Veeraraghavlu Reddy are no more. E. Jayaram Reddy died in 2002 and E. Nagarathinam died on 13.07.2012. The petitioner in I.A. No.1/2023 and petitioners in I.A.2/2024 are each entitled to 1/3rd share in the properties of E. Jayaram Reddy and E. Nagarathinam. Kala Prapoorna is entitled to 1/3rd share. Their parents' land was acquired by CMA and compensation was deposited before Sub court, Ponneri LAOP No.168/2015 u/s 30 and 31 of Land Acquisition Act 1894. The 1st respondent / claimant suppressed the other legal heirs and fraudulently received the entire compensation of Rs.1,90,82,529/- in LAOP.168/2015 falsely claiming that she alone was the legal heir of E. Jayaram Reddy and E. Nagarathinam. The petitioners did not receive any notice in LAOP.168/2015, and they came to know the proceedings only in 2019. The 1st respondent was attempting to get additional compensation from CMDA for which the petitioner filed WP No.6273/2019 before Hon'ble High court, Madras and obtained final orders dt. 06.03.2019 and appeared before CMDA officials. But,

the 1st respondent did not appear. They registered the protest before CMDA that she should be made as a party in further proceedings. Pursuant to the Orders of Hon'ble High Court, in this LAOP No.233/2020, the CMDA had issued notice to the petitioner pendency of the LAOP she is entitled to 1/3rd amount to be determined by this Court which is a reference u/s 18 of Land Acquisition Act. Hence, the petitioners has to be impleaded as claimants 2 to 4 in LAOP.233/2020.

2. The averments in the counter filed by the 1st respondent / claimant in common in brief :

The 1st respondent resisted the petitions denying all the averments contending that their father Jayarama Reddy was owner of 35.5 Ares in S.No.125/3, 126/1A, 127/6 having purchased the same under sale deed dt. 19.04.1984 and their mother Nagarathinamma purchased 35.5 Ares in S.No.127/1B (0.31.5) and 127/5 (.0.5.0) under the sale deed dte. 05.07.1965. Her mother Nagarathinamma executed a Will dt. 19.02.2012 bequeathing A schedule properties to the petitioner B Schedule property to be shared between petitioner and the 1st respondent and C Schedule properties in favour of the 1st respondent absolutely. Nagarathinamma died on 13.07.2012 As such, the 1st respondent is the lands acquired under C Schedule property in the Will and the petitioner has no claim over the same as their father E.Jayarama Reddy also died on 17.01.2002. Their sister Girija married and separated from the family and died on 23.09.2002 and her son and daughter have nothing to do with the property as they were separated as early as 1976 and she also has no right over the properties. Petitioner herein abandoned the claim and the properties are in enjoyment of the petitioner. She is not entitled to any share in

the land acquired which belonged to E. Nagarathinamma which was allotted to the 1st respondent under the Will dt. 19.02.2012. Even the properties in the name of petitioner which was purchased by Jayarama Reddy should also be divided equally between them along with the acquired land. Only after consideration of all the documents and letter dt. 02.09.2013 and 26.11.2013, the referring officer paid the compensation to the 1st respondent. The Hon'ble High Court, in the Judgment in WP No.5133/2016 the above facts were not brought to the notice of Hon'ble High court, and by suppressing these fact the petitioner obtained the order. All the allegations in the petition are false and denied. Hence, prayed to dismiss the petition.

5. The learned Government Pleader appearing for the respondents 2 and 3 endorsed as "no counter".

5. Now the point for consideration in this petition is

(i) Whether the petitioner is entitled to the relief as sought for ?

(ii) Whether this petition is to be allowed ?

6. **POINTS:**

Heard both side.

These petitions are filed by the petitioners, to implead them as the Claimants 2 to 4 in the Original Claim Petition in LAOP.233/2020

7. The case of the petitioners in both the petitions is that the claimant in the Original petition who is the 1st respondent herein has suppressed the fact that

the petitioner in I.A. 1/2023 along with one Girija and the 1st respondent are the legal heirs of their father E. Jayaram Reddy and Nagarathinammal and the acquired land belongs to them originally and after their death, the 1st respondent claiming as if she is the sole legal heir and received the compensation in respect of the acquired land from the respondents 2 and 3 and filed the original petition. As per the legal heir certificate, the petitioner in I.A.1/2023 along with Girija are also legal heirs, and after the death of Girija, the petitioners in I.A.2/2024 who are the legal heirs of the said Girija are entitled to each 1/3rd share in the compensation, hence prayed to implead them as necessary parties.

8. Per contra, the 1st respondent contends that the acquired lands belong to their mother Nagarathinammal who had executed a Will dated 19.02.2012 thereby bequeathing the acquired lands to the 1st respondent/claimant which was shown as "C" Schedule in the said Will. Hence, the petitioners cannot claim right over the same.

9. Admittedly, the 1st respondent is the sole claimant before the land acquisition officer and the award was passed on 12.12.2013 in Award No.4/2013. Now, the petitioners claims that petitioner in I.A.1/2023 and mother of the petitioners in I.A.2/2024, i.e. one Girija are also the legal heirs of their father and mother and filed the legal heirship certificate. On perusal of the legal heirship certificate of their father Jayarama reddy, it is seen that his wife Nagarathinammal, one Girija, the petitioner herein and 1st respondent are the legal heirs. It is admitted

by both petitioners and 1st respondent that their mother Nagarathinammal already died on 13.07.2012. It is also admitted that the acquired land belongs to their mother Nagarathinammal. Thus, as per section 15(2) of Hindu Succession Act, all the legal heirs of Nagarathinammal are entitled to equal shares irrespective of date of acquisition. Thus, as claimed by the petitioner in I.A.1/2023, along with one Girija is also having equal shares in the acquired lands. Admittedly, Girija died leaving the petitioners in I.A.2/2024 as her surviving legal heirs.

10. The learned counsel for the 1st respondent argued that it is well established that the Reference Court gets jurisdiction only if the matter is referred to it under Section 18 or Section 30 of the Act by the Land Acquisition Officer and if the Civil Court has got the jurisdiction and authority only to decide the objections referred to it. The Reference Court cannot widen the scope of its jurisdiction or decide matters which are not referred to it and relied on the authority of the Hon'ble Apex Court reported in **2009(12) SCC 280** (*Muthavalli of SHA Madharai Diwan WAKF Vs. Syed Zindasha and others*), wherein the Hon'ble Apex Court held that

“In the event there is a dispute with regard to the title or apportionment of the amount of compensation, a proper reference has to be made and only then the dispute between claimant can be gone into and not in a reference proceeding of the nature referred to herein”

Thus, as per the above provision of Law, a person who has not made an application before the Land Acquisition Collector, for making a reference under

Section 18 or 30 of the Act, 1894, cannot get himself impleaded directly before the Reference Court.

11. As far as the contention of the 1st respondent that the property was already bequeathed under the Will by their mother on 19.02.2012 is concerned, it is not the case of the 1st respondent either she has probated the said Will or obtained declaration of her exclusive right and title through before a proper civil forum. Therefore, in the absence of any declaration or exclusive right over the properties of their mother, the 1st respondent cannot claim exclusive right over the acquired properties.

12. There is no dispute that the petitioners will be interested person as they have interest in the land. If the person is interested yet is not a party in the reference then considering that the provisions of Civil Procedure Code are applicable pursuant to the provisions of Section 53 of the Land Acquisition Act, then the provisions of Order 1, Rule 10 of the Code of Civil Procedure could be invoked by the person interested to be added as party to the reference even though the petitioner is not a party to the reference made u/s 18 of Land Acquisition Act.

13. On considering the position of Law referred by the Hon'ble Apex Court held that that the provisions of Order 1, Rule 10 are inconsistent with Sections 18 and 30 of the Act. Thus, the conditions for impleading the parties in the reference court shall be made by invoking section 53 of C.p.C. only when the reference is made by the Land Acquisition Officer u/s 18 of the land Acquisition Act.

14. On perusal of the reference made by the 2nd respondent herein / Referring officer, it is observed in the reference u/s 18 of the Land Acquisition Act has been made which is reproduced as follows :

“Tmt. Deepthi, D/o late. Veeraraghavalu gave a representation dated 07.10.2018 to this Office with the prayer that S.No.125/3B and etc. in Minjur Village belong to their grandparents Jayarama Reddy and Mrs. Nagarathinammal. Both died leaving behind Tmt. Girija, W/o V. Veeraragavlu, Tmt. A. Kalaprapoorna, W/o A. Yugendar and Tmt. Shalaija, W/o Subash Sekar as the legal heirs. Tmt. Girija has died on 23.09.2002, leaving behind Tmt. Deepthi and V. Harikrishnan as legal heirs and the compensation has been disbursed to Tmt. A. Kalaprapoorna alone and excluding two other legal heirs, Tmt. Girija, Tmt. Shalaja by the Sub Court, Ponneri in LAOP No.168/2015 dated 17.11.2017.

Hence, Deepthi has requested 1/3rd of share of compensation. As such case the Hon’ble High Court has adduced in para 16 of the order dt. 17.07.2019 while conducting enquiry on 18th reference of Tmt. A. Kalaprapoorna and other two legal heirs Tmt. Girija, Tmt. Shalaija are to be issued notices by the concerned court. The addresses for service of summon sis Tmt. S. Shalaja, No.20, Akshaya Garden, Dhanthai Periyar Nagar, Gadhi Nagar Post. Neyveli (near Arch gate), Cuddalore District – 607308, 2. Dr. V. Deepthi, D/o late. Veeraraghavalu, No.76, Ramareddipalayam Village, Minjur, Ponneri Taluk, Tiruvallur – 601203. ’

Therefore, from the above reference made by the 2nd respondent/ Referring Officer, it is clear that the reference Court, i.e. this Court has to issue Notice to the other claimants, i.e. petitioners herein who protest the title of the 1st respondent/claimant before the reference Court and they made protest even before the Referring Officer , who has observed their objections and the litigation

between them before the Hon'ble High Court, Madras in W.P.No.5133/2018 and W.A.No.2233/2018.

15. In the reference made by the 2nd respondent, names of the petitioners in both the petitions, whom he has reason to think interested in such land has been set out as the petitioners have made application before the referring officer also. It is in this context that a notice has to be served on the petitioners herein under Section 20 of the Land Acquisition Act . Thus, it becomes absolutely necessary under Section 20 to implead the petitioners as parties before this reference court, which can provides way for a notice to the petitioners, whose names are disclosed in the reference as interested in the objection to the award to the 1st respondent/claimant.

16. In the authority of the Apex Court reported in [1996] SCR [3] 303 (*Ambey Devi v. State of Bihar*) the Hon'ble Apex Court observed as follows :--

"The procedure prescribed under Sections 18 and 30 is inconsistent with the procedure prescribed under Order 1, Rule 10, Civil Procedure Code. Order 1, Rule 10, Civil Procedure Code would apply to implead a necessary or proper party to effectuate complete adjudication of all the disputes having arisen between all the necessary or proper parties who may be bound by the decision. That question does not arise since inconsistent procedure has been prescribed under the Act. As held earlier, making an application under Sub-section (1) and within the limitation prescribed under Sub-section (2) of Section 18 are conditions precedent for the Land Acquisition Officer to make a reference under Section 18; only on its receipt, under Section 20 Civil Court gets jurisdiction to issue notice and thereafter to conduct enquiry as contemplated under the Act. At that stage, the procedure of trial

etc., as contemplated under the Civil Procedure Code would apply and Section 53 of the Act would become applicable."

17. Even the Hon'ble Apex Court in the above authority held that the Reference Court gets jurisdiction only if the matter is referred to it under Section 18 or 30 of the Act and the Civil Court has got jurisdiction and authority only to decide the objections referred to it and it cannot widen the scope of its jurisdiction or decide matters which are not referred to it. Admittedly, the objections of the petitioners herein has been referred in the reference made by the 2nd respondent / land Acquisition Officer under section 18 of the Act and even sought for the notices to be issued to them by providing the addresses for service. Thus, there is no impediment in impleading the petitioners as parties before this reference court as this Court has got jurisdiction to issue Notice u/s 20 of the Act to the petitioners herein whose objections are referred to this reference Court.

18. No prejudice would be caused to the 1st respondent by merely impleading the petitioners as parties , as the 1st respondent has every opportunity to disprove the claim of the petitioners herein in the original petition itself by letting in proper documentary and oral evidence in the proceedings of the Original petition.

19. Therefore, considering the above position of Law, as it appears from the above circumstances that petitioners are necessary parties and are referred by the 2nd respondent/ referring Officer u/s 18 of the Act for proper adjudication and also for just decision of the original petition, to avoid multiplicity of proceedings

and also in the interest of justice, this Court is inclined to allow these petitions. Accordingly, these points are answered in favour of the petitioners.

I.A. 1/2023 :

In the result, this petition is allowed and the petitioner is impleaded as 2nd claimant in the Original Petition. No costs.

I.A. 2/2024 :

In the result, this petition is allowed and the petitioners are impleaded as claimants 3 and 4 in the Original Petition. No costs.

Dictated to the Steno-Typist, transcribed by him, corrected and pronounced by me in the Open Court, on this the 20th day of August, 2025.

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR**

**List of Witnesses and exhibits on the side of
Petitioners and Respondents: NIL**

**PRINCIPAL DISTRICT JUDGE
TIRUVALLUR**