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C.R.P. No.324 of 1998

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2022

C O R A M

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

**C.R.P.(PD) No.324 of 1998**  
**and C.M.P.No.241 of 2019**

- 1.N. M. Kadamban Nambudripad (Deceased)
- 2.N.M.Subramaniam Nambudripad
- 3.Kadmaban Nambudripad
- 4.N.M.Radha
- 5.Rishikesan Namboothiripad
- 6.N.M.Rukmini
- 7.N.M.Divakaran
- 8.N.M.Indira
- 9.N.M.Unnikrishnan
- 10.P.G.Narayanan
- 11.P.G.Usha

... Petitioners

(Petitioners 3 to 11 brought on record as L.R.s of the deceased 1<sup>st</sup> petitioner vide order of Court dt.14.09.2017 made in C.M.P.No.15513 of 2017 in CRP.No.324/1998 by VMVJ.

Vs.

Director of Survey and Settlements  
Board of Revenue, Madras – 600 005.

... Respondent

**PRAYER:** Civil Revision Petition has been filed under Article 227 of Constitution of India praying to set aside the order passed in I.A.No.85 of 1990 on the file of District Judge, Ootacamund, The Nilgiris dt. 07.10.1997.

For Petitioners

: Mr.G.Karthikeyan

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For Respondent

: Dr.S.Supriya

Additional Government Pleader

### **ORDER**

This Civil Revision Petition has been filed to set aside the order dated passed by the learned District Judge, Ootacamund, Nilgiris in I.A.No.85 of 1990 dated 07.10.1997.

2. When the matter was taken up for hearing, the learned counsel appearing for the petitioner produced the Judgment of the Hon'ble Supreme Court in the case of ***Director of Survey and Settlements vs. N.M.Kadamban nambudripad (Dead) Thr LRS and Anr.*** in Civil Appeal Nos. 11440-11441 of 2014 dated 07.08.2019 and submitted that the issue on hand is covered by the said Hon'ble Apex Court decision. The Hon'ble Supreme Court held as follows:

*Suffice it to observe that the High Court while entertaining C.R.P. No. 324 of 1998, whereby the order passed by the District Court Niligiris, Udagamandalam in I.A. No. 85 of 1990 dated 07.10.1997 was assailed had passed interim directions to the appellant State which orders are assailed in these appeals.*



*The operative order passed by the District Court on 07.10.1997, reads thus:*

*“.....9. It has been represented on the side of the petitioners that out of the sum of Rs. 22,86,874/- deposited in this court, a sum of Rs. 22,13,577.80 has been paid towards compensation for the various Janmams by the Director of Survey and Settlement. At present only a sum of Rs. 73,396.70 is available in the Court. Both sides were not able to tell the person to whom the amount is due. A sum of Rs. 34,346.40 only is due for Nelliyalam Janmam Estate as per the order of Director of Survey and Settlement. It is clear that the amount fixed in the R. Ex. No.1 is to be paid to the petitioners. Only lesser amount will reach the petitioners. Because due to fixation of compensation to the petitioners as Rs. 34,346/- no higher amount will be eligible to the petitioners. The amount as per R. Ex. No.1 is Rs. 34,346/-. No higher amount will be eligible to the petitioners. The petitioners have already received Rs. 62,580.80 paise in*



*I.A. No. 86/90, 87/90. Therefore, I conclude that the amount required by the petitioners is not due to the petitioners. This summary is decided against the petitioners.*

*10. Finally, the petition is dismissed. No costs in the interest of justice.”*

*When the matter was taken up before the High Court by way of C.R.P. No. 324 of 1998 by the respondents herein, the High Court passed interim directions against the State from time to time. All those orders are subject matter of challenge in the present appeals.*

*During the pendency of these appeals, the other six janmams who claim to be entitled for compensation amount alongwith the respondents herein, as per the scheme propounded have also approached this Court by way of impleadment application. We propose to allow the said application and to do substantial justice to the parties set aside the impugned orders passed by the High Court including the order passed by the District*



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*Court dated 07.10.1997 and instead relegate the eight janmams before the District Court for reconsideration of I.A. No. 85 of 1990 in accordance with law after giving opportunity to all of them, namely, all the private parties and the State authorities. We order accordingly. The appeals are allowed in the aforementioned terms.*

*The District Court shall now decide the I.A. No. 85 of 1990 afresh as per law and uninfluenced by any observation(s) made by the High Court in the impugned order(s) or the District Court; which have been set aside in terms of this order.*

*The parties to appear before the concerned District Court on 03.09.2019. The District Court may proceed with the hearing of the restored I.A. No. 85 of 1990 on the same day or any other suitable day but ensure that it is disposed of preferably within three months therefrom. All questions available to the parties are left open.*



*Pending applications, if any, stand disposed of.”*

3. In view of the orders passed by the Hon'ble Apex Court, in Civil Appeal No.11440 to 11441 of 2014 dated 07.08.2019, no further orders need to be passed in this Civil Revision Petition. Accordingly, Civil Revision Petition is closed. No costs. Consequently connected miscellaneous petition is closed.

**23.06.2022**

msv

To

1.The District Judge, Ootacamund,  
The Nilgiris.

2.The Section Officer

V.R.Section

High Court of Madras.



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**J.NISHA BANU,J.**

msv

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