

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.09.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

C.R.P (NPD) No.3486 of 2015

B.Kumarakrishna Reddiar

... Petitioner

Vs.

1.Union of India,
Rep. By the Secretary to Government (Rev.)
Government of Pondicherry,
Puducherry.

2.The Deputy Collector (Rev.) (South)-cump
Land Acquisition Officer,
Saram,
Puducherry.

... Respondents

Civil Revision Petition filed under Section 115 of C.P.C. Against the order and decree dated 03.07.2015 in I.A.No.206 of 2015 in LAOP No.7/2012 in allowing the application in part on the file of the II Additional District Judge, Pondicherry.

For Petitioner : Mr.D.Ravichandran

For Respondents : Mr.R.Sridhar,
Government Advocate (Pondicherry)

ORDER

This Civil Revision Petition is filed against the order dated 03.07.2015 made in I.A.No.206 of 2015 in L.A.O.P.No.7 of 2012 passed by the learned II Additional District Judge, Pondicherry.

2. The respondent-Puducherry Government has deposited the entire amount at the rate of Rs.120/- per sq.ft. to the credit of E.P.No.294 of 2014 filed in L.A.O.P.No.7 of 2012 before the II Additional District Judge, Puducherry.

3. The petitioner has filed I.A.No.206/2015 in L.A.O.P.No. 7 of 2012 seeking to withdraw the entire compensation amount deposited by the Puducherry Government.

4. The grievance of the petitioner is that the Execution Court passed an order dated 03.07.2015 permitting the petitioner to withdraw only 50% of the deposited amount.

5. This Civil Revision Petition is filed against the aforesaid order dated 03.07.2015 in I.A.No.206 of 2015 in L.A.O.P.No.7 of 2012.

6. The Puducherry Government has not filed any appeal against the order passed in L.A.O.P.No.7 of 2012. On the other hand, the petitioner has filed A.S.No.580 of 2013 before this Court seeking to enhance the compensation at the rate of Rs.120 to 150 per sq. ft. Even if A.S.No.580 of 2013 is dismissed by this Court, the petitioner is entitled to receive the compensation as ordered in L.A.O.P.No.7 of 2012.

7. In the circumstances, the order dated 03.07.2015 made in I.A.No.206 of 2015 in L.A.O.P.No.7 of 2012 is set aside and the petitioner is permitted to withdraw the entire amount deposited by the Puducherry Government to the credit of E.P.no.294 of 2014.

Accordingly, this Civil Revision Petition is allowed. No costs.

08.09.2015

Index : Yes
Internet: Yes

vsm

To

- 1.The Secretary to Government (Rev.)
Union of India,
Government of Pondicherry,
Puducherry.
- 2.The Deputy Collector (Rev.) (South)-cum
Land Acquisition Officer,
Saram,
Puducherry.
- 3.The II Additional District Court, Pondicherry.

D.HARIPARANTHAMAN,J.

vsm

C.R.P (NPD) No.3486 of 2015

08.09.2015