

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 17.02.2015

CORAM

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

C.R.P (PD)No.1953 of 2003
and
C.M.P.No.14281 of 2003

K.S.Rajashanmughavel

...

Petitioner

Vs

1.The Assistant Commissioner
(Land & Reforms)
Trichirapalli

2.The D.R.O.-Cum- Land Tribunal
Ezhilagam, Chepauk
Chennai - 600 005.

... Respondents

Prayer: Civil Revision Petitions came to be numbered by transfer of Special Revision Petition on the file of the Tamil Nadu Land Reforms Special Appellate Tribunal praying to set aside the order passed by the second respondent in LTCMA No.4 of 2001 dated 24.04.2001 in so far as award of interest alone.

For Petitioner : M/s.P.Jagadeesan

For Respondents : Mr.M.Venugopal,
Spl. Govt. Pleader (CS)

ORDER

This revision arises out of the order passed by the Appellate Authority and District Revenue Officer, Land Tribunal, Chepuak, Chennai - 600 005 made in TMCA No.4 of 2000 dated 24.04.2001.

2. The Government declared the land of the petitioner as surplus and published in Government Gazette dated 14.02.1973. The tribunal fixed the compensation as Rs.2,01,049/- payable to the petitioner. The notification of the Government was challenged by

the land owner before Assistant Commissioner (Land & Reforms), Trichirapalli. The order of the Government was confirmed by the Assistant Commissioner vide order dated 22.02.2000. Aggrieved by the order, the land owner preferred an appeal before the Land Tribunal, Chepauk, Chennai. The tribunal, while setting aside the order of the Asst. Commissioner and remanding the matter back for fresh consideration, rejected the prayer of the land owner seeking interest @ 18% per annum. Aggrieved by the order, the present revision is filed.

3. Mr.P.Jagadeesan, learned counsel for the petitioner submitted that in view of the order passed by the Hon'ble Supreme Court in SLP No.(Civil) 20173 of 1998 dated 13.01.1999, the petitioner is entitled for interest @ 18% per annum. It is further submitted that when the Appellate Authority passed an order of remand, the rate of interest cannot be fixed by the Appellate Tribunal and the entire issued has to be considered afresh by the Assistant Commissioner of Land Reforms, Trichirapalli.

4. On the other hand, Mr.M.Venugopal, learned Special Govt. Pleader (CS) would submit that the land owners are entitled to receive interest @ 4% per annum as per the rules in the Land Reforms Act and the petitioner cannot claim interest @ 18% per annum.

5. As rightly contended by the learned counsel for the petitioner, when the tribunal has remanded the matter back for fresh consideration, it cannot decided the rate of interest. Hence, I am of the view that the order of the tribunal has to be set aside. Accordingly, the order of the tribunal dated 24.04.2001 in TMCA No.4 of 2000 fixing the rate of interest @ 4% per annum is Oset aside.

6. In the result, this Civil Revision Petition is disposed of with a direction to the Asst. Commissioner of Land & Reforms, Trichirapallai to consider the matter afresh and pass appropriate orders on merits, within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CO)
dt. 1.04.15

//True Copy//

Sub Assistant Registrar

rggr

To

1.The Assistant Commissioner
(Land & Reforms)
Trichirapalli

2.The D.R.O.-Cum- Land Tribunal
Ezhilagam, Chepauk
Chennai - 600 005.

3. The Section Officer, VR Section, High Court, Madras.

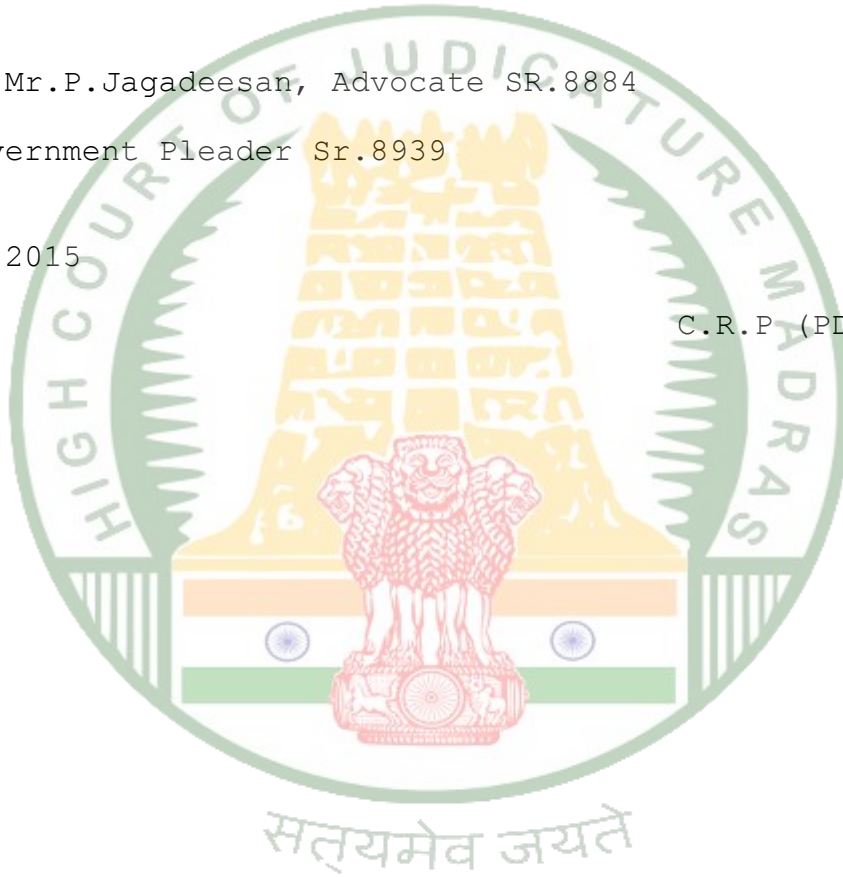
+ 1 cc to Mr.P.Jagadeesan, Advocate SR.8884

+ 1 cc Government Pleader Sr.8939

TM(CO)

EU 10.04.2015

C.R.P (PD)No.1953 of 2003



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