

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2016

CORAM

THE HONOURABLE THIRU JUSTICE M. DURAISWAMY

C.R.P.(NPD)No.25 of 2016 &

C.M.P.No.128 of 2016

The Special Tahsildar
(Land Acquisition – Neighborhood Scheme)
Erode

... Petitioner

v.

1.K.P.Natarajan
2.Kuppu Vijayalakshmi
3.Dhakshinamoorthy
4.Anitha
5.Dhineshmoorthy
6.P.Manimekalai
7.P.Lakshminarayanan
8.P.Sindhu

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India against the order dated 30.04.2015 made in E.P.No.80 of 2011 in L.A.O.P.No.10 of 1992 on the file of I Additional Sub Court, Erode, Erode District.

For Petitioner : Mr. G.Venugopal

Special Govt. Pleader (C.S.)

O R D E R

Challenging the fair and final order passed in E.P.No.80 of 2011 in L.A.O.P.No.10 of 1992 on the file of I Additional Sub Court, Erode, the judgment debtor-Referring Officer, has filed the above Civil Revision Petition.

2. The only issue which arises for consideration in this Civil Revision Petition is that whether the apportionment of the amount deposited by the judgment debtor should be apportioned first towards the principal and then towards interest or first towards the interest and then towards the principal amount.

3. The Execution Court found that the amount deposited by the judgment debtor should be first apportioned towards the interest and thereafter towards the principal amount.

4. The issue raised in the present Civil Revision Petition has already been decided by the Hon'ble Supreme Court of India in the judgment reported in **CDJ 2006 SC 909 [Gurpreet Singh v. Union of India]** wherein the Hon'ble Supreme Court held that the amount deposited towards the compensation in land acquisition matters should be first apportioned

towards the interest and thereafter towards the principal amount. The ratio laid down by the Hon'ble Supreme Court squarely applies to the facts and circumstances of the present case. The Execution Court has rightly apportioned the amount deposited by the judgment debtor first towards the interest amount and thereafter towards the principal amount.

5. In these circumstances, I do not find any error or irregularity in the order passed by the Execution Court. The Civil Revision Petition is devoid of merits and is liable to be dismissed. Accordingly, the Civil Revision Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes/No

20.01.2016

Rj

To

The I Additional Sub Court,
Erode,
Erode District.

M. DURAISWAMY,J.,

Rj

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