

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:10.02.2016

CORAM:

THE HONOURABLE DR.JUSTICE S.VIMALA

CRP (PD) No.340 of 2016

1. Kavetti Naidu
2. K.Ranganathan
3. K.Balakrishnan
4. K.Rajeswari
5. K.Vimala

.. Petitioners

...Vs...

The Land Acquisition Officer-cum-Special Tahsildar
Adi-Dravidar Welfare Scheme [Land Acquisition]
Omalur, Salem District.

.. Respondent

Revision Petition is filed under Article 227 of the Constitution of India, praying for a suitable directions for early disposal of C.M.A.No.3 of 2011- pending on the file of the Sub Court, Mettur.

For Petitioners : Mr.T.Murugamanickam

ORDER

This Civil Revision Petition has been filed by the claimants whose lands were acquired prior to 1980, in which, award has been passed on 27.03.1980 (compensation of Rs.44,839/-).

1.1. The petitioners filed W.P.No.5956 of 1982 challenging the constitutional validity of Act 31 of 1978, using which, the lands were

acquired. Even though the constitutional validity was not upheld by this Court, it was upheld by the Hon'ble Supreme Court as reported in the case of State of Tamil Nadu & Ors vs Ananthi Ammal & Ors. (1995 (1) SCC 519). Consequent to the validity being upheld, the petitioners filed Civil Miscellaneous Appeal in C.M.A.No.3 of 2011, seeking enhancement of compensation. Seeking direction for expeditious disposal of this C.M.A., the Revision Petition has been filed.

2. It is represented that earnest request has been made before the Sub Court concerned to hear the C.M.A., but, the Court is not able to pay sufficient attention to the request made.

3. No doubt, the Courts are over burdened with huge pendency. But, having regard to the fact that the petitioners have lost their livelihood, even in the year 1980, during which, the lands have been acquired from the petitioners, the Court should have given top priority to the disposal of the case. Even though the petitioners have lost some years in challenging the virus of the Act, still, as already, 35 years have gone in litigation, the petitioner is entitled to preferential hearing. Therefore, the Court below is directed to dispose of C.M.A.No.3 of 2011, pending on the file of Sub Court, Mettur, within a period of two months from the date of receipt of a copy of this order.

4. This Civil Revision Petition is disposed of with the above directions. No costs. Consequently, connected Miscellaneous Petition is closed.

10.02.2016

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To

The Subordinate Court,
Mettur.

S.VIMALA, J.

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