

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2016

CORAM :

THE HON'BLE MR. JUSTICE M.V.MURALIDARAN

C.R.P. No.2454 of 2012
and
M.P.No.1 of 2012

The Special Tahsildar (LA-II),
Tamil Nadu Housing Board Schemes
Nandanam, Chennai - 35.

... Petitioner

.. Vs ..

P.Murugesan

... Respondent

Prayer:- Civil Revision Petition filed under Section 115 of the Civil Procedure Code, 1908, against the order dated 12.11.2010 made in E.P.No.111 of 2002 in L.A.O.P.No.161 of 1988 on the file of the Subordinate Judge at Poonamallee.

For Petitioner : Mr.Jayaramaraj
Govt. Advocate

For Respondent : Mr.A.Lakshmi Narasimhan

ORDER

The present Civil Revision Petition is filed against the order dated 12.11.2010 made in E.P.No.111 of 2002 in L.A.O.P.No.161 of 1988 on the file of the Subordinate Judge at Poonamallee.

2. The case of the petitioner is that the respondent/claimant filed L.A.O.P.No.161 of 1988 on the file of Sub Court, Poonamallee, for enhancement of compensation. Considering the case of the respondent/claimant, the learned Sub-Judge, Poonamallee, was pleased to pass an order on 09.09.1989 as per the Land Acquisition proceeding under 4(1) Notification, dated 31.12.1975, enhancing the compensation from Rs.73/- for Manavari land and Rs.75/- for Nanja Land to Rs.1000/-. The learned Sub-Judge also awarded 30% of Solatium and 12% of additional interest for the period from 31.12.1975 to 31.07.1984 and 9% of additional interest for the period from 18.09.1984 to 17.09.1985 and directed this petitioner to deposit the said amount. The learned Sub-Judge further stated

that till the deposit, 15% of interest to be entitled by the respondent/claimant.

3. After the order, the respondent/claimant has filed the execution petition in E.P.No.111 of 2002 in L.A.O.P.No.161 of 1988 before the learned Sub Judge, Poonamallee, for the claim of Rs.7,58,399.50, failing which, the respondent/claimant has prayed for order of attachment and the sale of the property, as per Order 21 Rule 43 and 66 of the Code of Civil Procedure, belonging to the State of Tamil Nadu at Sub Treasury, Poonamallee and Taluk Office, Poonamallee.

4. Though notices were ordered in the said Execution Petition, no payment was made by this petitioner. Therefore, on 12.11.2010, an order of attachment was passed for attaching the machineries mentioned in the Execution Petition. Challenging the order dated 12.11.2010, made in E.P.No.111 of 2002 in L.A.O.P.No.161/1988, the Special Tashildar, Land Acquisition - II, Tamil Nadu Housing Board Schemes, Nandanam, Chennai - 53, who is the judgment debtor in the abovesaid E.P., has filed the present Civil Revision Petition before this Court.

5. During the course of arguments, the petitioner has filed a memo stating that this petitioner has already deposited a sum of Rs.1,56,278/- and the same is lying to the credit of E.P.No.111 of 2002 in L.A.O.P.No.161 of 1988 on the file of Sub-Court, Poonamallee.

6. As per the above clean calculation, which came to know that the petitioner has deposited the abovesaid amount and the same is lying to the credit of E.P.No.111 of 2002 L.A.O.P.No.161 of 1988 on the file of Sub Court, Poonamallee. The said contention was accepted by the respondent/claimant. Hence, it would suffice that the learned Sub-Judge, Poonamallee is directed to set aside the order of attachment and dispose of the said E.P.No.111 of 2002 in L.A.O.P.No.161 of 1988 within a specific period.

7. Accordingly, this Court is inclined to pass the following orders:-

(a) the order or attachment, dated 12.11.2010, made in E.P.No.111 of 2002 in L.A.O.P.No.161 of 1988 on the file of Sub Court, Poonamallee, is set aside by allowing this Civil Revision Petition.

(b) the respondent/claimant is permitted to withdraw the said amount with accrued interest which is lying to the credit of E.P.No.111 of 2002

in L.A.O.P.No.161 of 1988 on the file of Sub Court, Poonamallee, by filing proper petition before the E.P. Court, in which, this petitioner/Judgment debtor is made no objection.

(c) the learned Subordinate Judge, Poonamallee is directed to dispose of the said E.P.No.111 of 2002 L.A.O.P.No.161 of 1988 within two months from the date of receipt of a copy of this order.

8. Accordingly, this Civil Revision Petition is ordered. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

skn

To

The Subordinate Judge,
Poonamallee.

+1cc to the Special Government Pleader(CS), Sr.50124
+1cc to M/S A.Lakshmi Narasimhan, Advocate Sr.50222

सत्यमेव जयते

C.R.P. No.2454 of 2012
and
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VD(CO)
RVR 29/12/2016

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