

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :22.03.2016

CORAM

THE HONOURABLE DR. JUSTICE. **S.VIMALA**

CRP (NPD)No.666 of 2016
and
C.M.P.No.3431 of 2016

The Special Tahsildar
Land Acquisition, (Unit-III, i/c),
Tamil Nadu Housing Board,
Chennai.

... Judgment Debtor/ Respondent/
Petitioner

..Vs..

G.Chandrasekhar

... Petitioner/Decree holder/
Respondent

Prayer:- Revision Petition is filed under Article 227 of the Constitution of India, against the order dated 18.08.2015 made in E.P.No.4 of 2004 in L.A.O.P.No.70 of 1985 on the file of the City Civil Court (VI Assistant Judge) Chennai.

For Petitioners : Ms.M.Jayashree (CS)
For Respondent : Mr.M.Murali

.....

ORDER

This Civil Revision Petition has been filed by the petitioner/Judgment debtor against the order dated 18.08.2015, made in E.P.No.4 of 2004 in L.A.O.P.No.70 of 1985, on the file of the City Civil Court (VI Assistant Judge) Chennai.

2. By an award dated, 14.12.1982, in Award No.5/82, the Special Tahsildar, Land Acquisition II, Tamil Nadu Housing Board Schemes, fixed the land value of the petitioner herein at Rs.1/- per cent.

2.1. Aggrieved against the award dated 14.12.1982, the petitioner filed L.A.O.P.No.70/85 before the Sub-Court, Poonamallee, wherein, the Court, on 25.11.1987 had enhanced the land value at Rs.3,000/- per cent.

2.2. Aggrieved against the enhancement of the award, the Special Tahsildar (L.A.II), Tamil Nadu Housing Board, Madras-35, had filed an Appeal in Appeal No.648 of 1990 before this Court, wherein, the order of the Sub Court was confirmed and the appeal was dismissed.

2.3. Thereafter, the petitioner filed an Execution Petition in

E.P.No.4 of 2004 in L.A.O.P.No.70 of 1985 before the VI Assistant Judge, City Civil Court, Chennai and the same is ordered on 30.04.2015. The calculation Memo filed by the decree holder was recorded and judgment debtor was directed to deposit a sum of Rs.52,54,184/- as on 10.04.2015 on or before 01.07.2015 and it was made clear that if the amount is not deposited, suitable further orders will be passed.

3. As it was brought to the notice of the Court that attachment has been ordered by 14.09.2015, the Civil Revision Petition, in CRP(NPD) No.4167 of 2015, filed as against the order dated 30.04.2015 was held infructuous and accordingly the Civil Revision Petition was dismissed on 07.12.2015.

4. This Revision petition has been filed as against the order dated 18.08.2015, by which attachment has been ordered by 14.09.2015.

5. The fact remains that already the order of attachment dated 14.09.2015 had been brought to the notice of the Court in the previous Civil Revision Petition itself. Therefore, this Civil Revision Petition is unwarranted.

6. It is the contention of the learned counsel for the revision petitioner that the Memo of calculation filed by the decree holder is not correct. But, this contention should have been taken before the executing Court by which the Judgment debtor was directed to deposit a sum of Rs.52,54,184/- (to be payable on or before 01.07.2015).

7. The land has been acquired in the year 1982. The compensation is not paid for the past 34 years. Therefore, the revision petitioner is directed to deposit the entire amount of compensation as per the order dated 10.04.2015, without any further delay and in any event, within a period of eight weeks from the date of receipt of a copy of this order.

This Civil Revision Petition is disposed of on the above terms. No costs. Consequently, connected Miscellaneous Petition is closed.

22.03.2016

Index : Yes/No

Internet: Yes/No

arr

Note: Issue order copy on 31.03.2015

To

1. The VI Assistant City Civil Court, Chennai.

arr

CRP (NPD)No.666 of 2016

22.03.2016

