

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.08.2017

C O R A M

THE HONOURABLE MR.JUSTICE M. GOVINDARAJ

C.R.P.(NPD) NO.2576 OF 2017

Sampath Raj Jain

... Petitioner

Vs.

1.The Special Tahsildar (L.A)
Unit - 5,
Outer Ring Road,
Chennai Metro, CMDA,
Koyambedu, Chennai - 92.

2.The Member Secretary
CMDA, Egmore,
Chennai - 600 008.

... Respondents

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the order of return dated 31.01.2017 in I.A.S.R.No.220 of 2017 in L.A.O.P.No.429 of 2008 on the file of the III Additional District Judge, Tiruvallur at Poonamallee.

For Petitioner : Mr.A.S.Vijay Anand

ORDER

This Civil Revision Petition is directed against the order of return dated 31.01.2017, passed in I.A.S.R.No.220 of 2017 in L.A.O.P.No.429 of 2008, by the III Additional District Judge, Tiruvallur at Poonamallee.

2. The petitioner is the claimant in L.A.O.P.No.429 of 2008, on the file of III Additional District Judge, Tiruvallur at Poonamallee. The said petition was ordered on 01.07.2015, against which, an appeal was filed by the Government in A.S.No.571 of 2016 and the same is pending. While admitting the appeal, a Division Bench of this Court directed the appellant to deposit 50% of the enhanced compensation and permitted the claimant to withdraw 25% of the amount deposited. The petitioner / claimant has filed a payment out petition before the Trial Court and the same was returned with an endorsement that the entire material records were transmitted to the High Court for disposal of A.S.No.571 of 2016. Against the endorsement made by the Trial Court, the petitioner is before this Court.

3. When a direction is issued by the Division Bench of this Court to deposit 50% of the enhanced compensation and a further direction permitting the claimant to withdraw 25% of the amount deposited, it shall be complied with promptly. The Trial Court has taken a view that the records were transmitted to the High Court and therefore, payment out could not be ordered is not correct. The direction of the High Court shall be complied with, with the available records in the Trial Court. Otherwise, the direction issued by the Division Bench of this Court will become meaningless. It is true that the records were transmitted. The petitioner shall file all the required documents enabling the Trial Court to pass orders in compliance with the direction issued by this Court. The petitioner instead approached this Court without taking proper steps in that direction.

4. Considering the facts and circumstances of the case, a direction is issued to the Trial Court to disburse 25% of the enhanced compensation as directed by this Court within a period of four weeks from the date of receipt of a copy of this order. The petitioner is directed to produce all the records available with him such as award and the order of

the High Court within a period of two weeks from the date of receipt of a copy of this order.

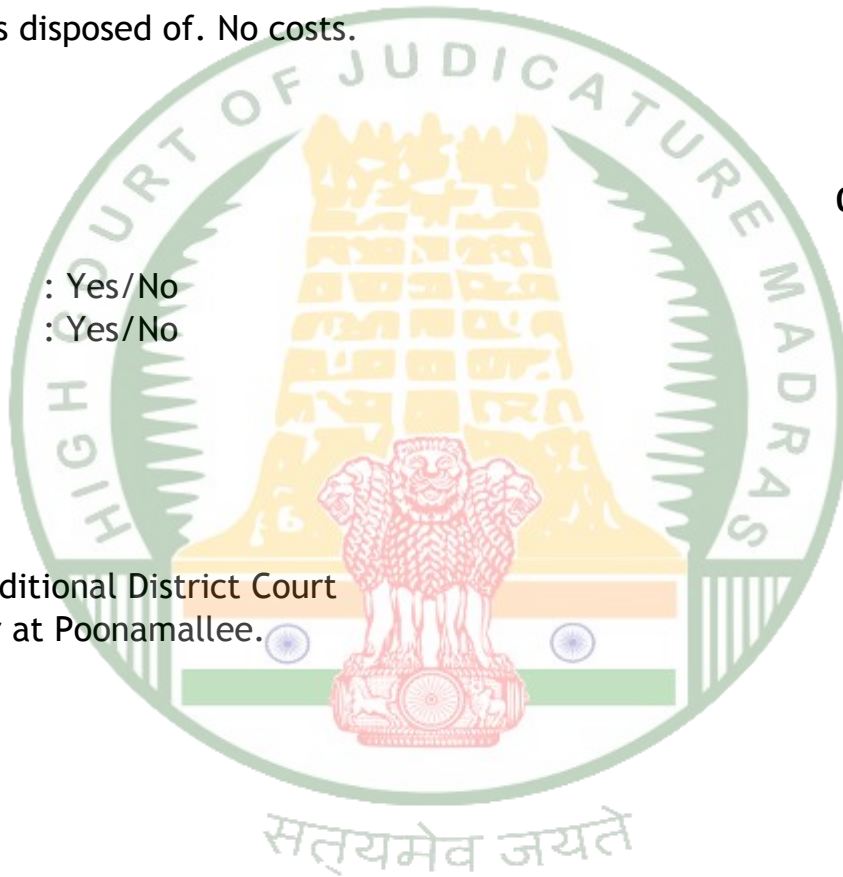
5. With the above observation and direction, the Civil Revision Petition is disposed of. No costs.

01.08.2017

Index : Yes/No
Internet : Yes/No
TK

To

The III Additional District Court
Tiruvallur at Poonamallee.



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M.GOVINDARAJ, J.

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