

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :03.02.2017

CORAM :

THE HONOURABLE MS.JUSTICE R.MALA

C.R.P(NPD).No.288 of 2017
and C.M.P.No.1274 of 2017

1.The District Collector
Cuddalore District.

2.The Special Tahsildar
Adi Dravidar Welfare
Vridhachalam.

.. Petitioners

Vs.

Samidurai Udaiyar

.. Respondent

Prayer:- Civil Revision Petition is filed under Section 115 of C.P.C., against the fair and decretal order dated 07.10.2016 made in E.P.No.67 of 2014 in L.A.C.M.A.No.1 of 1998 on the file of the learned Principal Subordinate Judge, Vridhachalam.

For Petitioners : Mr.M.Venugopal
Special Government Pleader (CS)

ORDER

Civil Revision Petition is filed against the fair and decreetal order dated 07.10.2016 made in E.P.No.67 of 2014 in L.A.C.M.A.No.1 of 1998 on the file of the learned Principal Subordinate Judge, Vridhachalam.

2.At the time of admission, argument of the learned Special Government Pleader (CS) appearing for the petitioners is heard in length.

3.The petitioners have acquired the lands of the respondent. The award has been passed on 29.12.1997. Since the respondent/land owner/claimant has disputed the quantum fixed by the authority, he has preferred L.A.C.M.A.No.1 of 1998 and that the award has been enhanced by the decree and judgment dated 03.01.2013. Even though the judgment has been passed on 03.01.2013, till now the Government has not paid the award amount. Hence, the respondent has filed E.P.No.67 of 2014 for attachment and that attachment has been ordered, challenging the same, the present revision is preferred by the Government.

4. On perusal of the typed set of papers, it reveals that the amount due to the respondent/decreed holder in respect of the land acquisition proceedings is Rs.26,59,706/-. Furthermore, the petitioners to show their bonafide have not deposited any portion of the amount awarded to the respondent after filing of execution petition in the year 2014 till attachment is ordered. So it clearly shows the malafide intention of the petitioners/Government to drag on the proceedings. In such circumstances, I am of the view that there is no dispute in respect of quantum of amount. The Government without depositing the amount awarded to the land owner has preferred this revision, which is abuse of process of Court. Hence, I do not find any reason to interfere with the findings of the Executing Court and that the fair and decretal order passed by the Executing Court is hereby confirmed. Consequently, the revision is dismissed.

5. In the result, the Civil Revision Petition stands dismissed. The Executing Court is directed to proceed further. No costs. Consequently, connected Miscellaneous Petition is closed.

03.02.2017

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R.MALA,J.

Kj

To

1.The District Collector
Cuddalore District.

2.The Special Tahsildar
Adi Dravidar Welfare
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