

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

THE HON`BLE MR JUSTICE M.SATHYANARAYANAN

and

THE HON`BLE MR.JUSTICE N.SESHASAYEE

CMP No.16203 of 2017

in AS No.49 of 2016

1 VENKATESA NAIDU [PETITIONERS]

2 G. RAMAKRISHNAN

3 G.GOPAL

4 THUSALISAMMAL

@ RUKMANIAMMAL.

Vs

1 THE REGIONAL PROVIDENT [RESPONDENTS]

FUND COMMISSIONER,
OFFICE OF THE REGIONAL PROVIDENT FUND COMMISSIONER,
BHAVISHYA NIDHI BHAVAN, DR. BALASUNDARAM ROAD,
COIMBATORE - 641 018.

2 REVENUE DIVISIONAL OFFICER
(LAND ACQUIIION)PROVIDENT FUND OFFICERS
HOUSING STAFF QUARTERS SCHEME,
COIMBATORE - 641 018.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners/ Respondents 1 to 4 Claimants to withdraw the sum of RS 1,00,00,000/- (Rupees one crore only) deposited by the First Respondent/Appellant to the credit of the L.A.O.P.No. 105 of 1998 on the file of the Learned First Additional Sub-Judge, Coimbatore together with the accrued interest thereon pending AS No.49 of 2016.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof

and upon hearing the arguments of MR. T.A. SHAGUL HAMEED, Advocate for the petitioner and of MR.V.VIBHISHANAN Advocate on behalf of the Respondents 1 & 2 the court made the following order:-

[Order of the Court was made by M.SATHYANARAYANAN,J.]

Perusal of the materials available on record would disclose that the land ad-measuring 3.53 acres comprised in Survey Nos.476/1b, 477/1b, 477/2b and 477/4b of Vilankurichi Village, Coimbatore District, was acquired by the second respondent/Revenue Divisional Officer for the purpose of construction of staff quarters to the Provident Fund Employees and the acquisition proceedings were commenced in the year 1989 in terms of the Notification under Section 4(1) of the Land Acquisition Act and the award was passed on 27.01.1992. The Land Acquisition Officer has awarded a sum of Rs.1,87,145/- with other statutory entitlements and the petitioners herein/claimants sought a reference and it was taken on file as L.A.O.P.No.105 of 1998 on the file of the learned First Additional Subordinate Judge, Coimbatore, who vide impugned order/decreed dated 13.07.2015, enhanced the compensation to Rs.83,36,448/- and aggrieved by the same, the present appeal is filed by the Regional Provident Fund Commissioner.

2. This Court, as a condition precedent for grant of stay, directed the first respondent herein/appellant to deposit a sum of Rs.1,00,00,000/- [Rupees One Crore only] to the credit of L.A.O.P.No.105 of 1998 on the file of the Principal Additional Sub-Court, Coimbatore, with a further direction to the Principal Additional Sub-Court, Coimbatore, to deposit the same in the Indian Overseas Bank, District Court Branch, Coimbatore.

3. Learned counsel appearing for the petitioners/claimants would submit that the lands in question were acquired as early as in the year 1989 and the petitioners are in the advanced age and they are unable to realise the fruits of the enhancement of the amount awarded by the reference Court and therefore, prays for necessary permission to withdraw the same.

4. Learned counsel appearing for the respondents strongly objected and submitted that the compensation awarded by the Land Acquisition Officer has been enhanced very many times and the first respondent herein/appellant is having bright chance of success in the appeal and prays for dismissal of this petition.

5. This Court has carefully considered the rival submissions made by the learned counsel on either side and perused the records.

6. Admittedly, the petitioners herein/claimants have been deprived of the lands and the litigation is going on for the past three decades and taking into consideration the said fact and also in order to meet the ends of justice, this Court is of the view that the petitioners herein/claimants are permitted to withdraw Rs.5 lakhs each, lying to the credit of L.A.O.P.No.105 of 1998

before the Court below.

7. In the result, this miscellaneous petition is ordered, permitting the petitioners/claimants to withdraw a sum of Rs.5 Lakhs each out of the amount ordered to be deposited by this Court by way of an interim order dated 02.02.2016. This order is passed without prejudice to the rights and contentions of the first respondent/appellant.

-sd/-
22/09/2017
/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE FIRST ADDITIONAL
SUBORDINATE JUDGE, COIMBATORE.

2 THE SECTION OFFICER
VR SECTION, HIGH COURT, CHENNAI-104.

3 THE PRINCIPAL ADDITIONAL
SUB-COURT, COIMBATORE,

4 THE BRANCH MANAGER
INDIAN OVERSEAS BANK,
DISTRICT COURT BRANCH, COIMBATORE.

C.C. to MR. T.A. SHAGUL HAMEED Advocate on payment of
necessary charges

C.C. to MR.V.VIBISHANAN Advocate SR.NO.12706

Order

in
CMP.16203/2017

in
AS.49/2016

Date :22/09/2017

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