



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2017

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P.(PD)(MD).No.2521 of 2017 and
C.M.P.(MD).No.11820 of 2017

The Deputy Chief Engineer,
Constructions,
Southern Railways,
Salem Division, Salem.

... Petitioner/Respondent/
Beneficiary/3rd Party

Vs.

1. Sellammal
2. Nagajothi
3. Kavitha
4. Geetha

... Respondents 1 to 4/Petitioners/
Claimants 2 to 5

5. The Special Thasildar (Land Acquisition),
Salem Karur New Broad Gauge Railway Line Scheme,
Karur.

... 5th Respondent/Respondent/
Referring Officer

PRAYER: The Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair order and Ex-order dated 06.04.2017 in E.P.No.125 of 2016 in L.A.O.P.No.73 of 2011 on the file of the Additional Subordinate Judge, Karur.

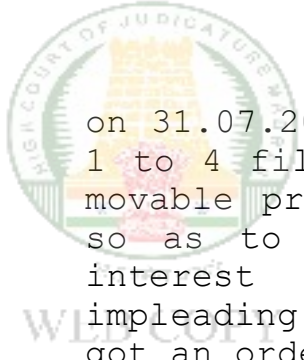
For Petitioner : Mr.S.Manohar

For Respondents 1 to 4 : Mr.K.Prabhakar

O R D E R

This Civil Revision Petition is filed against the order dated 06.04.2017 in E.P.No.125 of 2016 in L.A.O.P.No.73 of 2011 on the file of the Additional Subordinate Judge, Karur.

2. According to the petitioner, an award was passed on 26.10.1999 by the fifth respondent viz., the Special Thasildar (Land Acquisition), Salem -Karur-New Broad Gauge Railway line Scheme, Karur. Not being satisfied with the award, the respondents 1 to 4 filed L.A.O.P.No.73 of 2011, before the learned Additional Subordinate Judge, Karur. The said L.A.O.P. was allowed



on 31.07.2012, enhancing the compensation awarded. The respondents 1 to 4 filed E.P.No.125 of 2016 to attach the petition mentioned movable properties belonging to the petitioner and sell the same so as to realise the amount of Rs.12,78,429/- with subsequent interest and costs. According to the petitioner, without impleading the petitioner as a party to the L.A.O.P. proceedings, got an order attaching the properties of the petitioner.

3. The learned counsel appearing for the respondents 1 to 4 relied on the order of this Court dated 03.10.2016 passed in C.R.P.(MD).No.2014 of 2016, submitted that this Court, in number of Judgments, directed the petitioner to deposit the entire award amount with accrued interest and costs and sought for a direction to the petitioner to deposit the entire award amount with costs. The relevant para-5 in the above said Civil Revision Petition reads as follows:-

"The revision petitioner is directed to deposit the entire award amount with accrued interest and costs from the date of claim petition till the date of deposit within a period of eight weeks from the date of receipt of a copy of this order. On such deposit being made, the respondents 1 to 8 / claimants are permitted to withdraw 75% of the award amount with proportionate accrued interest and costs by filing appropriate application before the Tribunal and the balance amount of 25% is permitted to be withdrawn on furnishing bank security / immovable security, either by the respondent concerned or third parties. The withdrawal would be subject to the order to be passed in the appeal stated to have been filed by the petitioner. On such application being filed by the claimant, the Tribunal is directed to pass appropriate orders within a period of four weeks thereafter."

4. Considering the above facts and in the interest of justice, this Court is inclined to pass the following order:-

"The petitioner is directed to deposit the entire award amount with accrued interest and costs, from the date of claim petition till the date of deposit, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the respondents 1 to 4 are permitted to withdraw 75% of the award amount with accrued interest, subject to the condition that the withdrawal would be subject to the order to be passed in the appeal stated to have been filed by the petitioner and the balance amount shall be deposited in the Indian Bank, High Court Branch, Madurai."

5. With the above directions, the Civil Revision Petition is



disposed of. No costs.
Petition is closed.

Consequently, connected Miscellaneous

Sd/-

Assistant Registrar (CS-I)

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/True Copy/

Sub Assistant Registrar

To

1. The Additional Subordinate Judge,
Karur.
2. The Special Thasildar (Land Acquisition),
Salem Karur New Broad Gauge Railway Line Scheme,
Karur.

Copy To:-

1. The Record Keeper
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. (2 copies)
 2. The Manager,
Indian Bank,
High Court Madurai Bench Branch,
Madurai.
- 2 CC TO Mr.S.MANO HAR, ADVOCATE IN SR No. 36751, 94721
 - +1cc to Mr.K.PRABHAKAR, Advocate Sr.No.94248

AKV

TE/SV-MMS/SAR-4 : 18/01/2018 : 3P/9C

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C.M.P. (MD) .No.11820 of 2017
20.12.2017