



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2017

CORAM:

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

C.R.P(MD)No.307 of 2017 and
CMP(MD).No.1533 of 2017

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

.. Petitioner

Vs.

1.Kulandaivelu
2.The Special Thasildar,
Salem -Karur-New Broad Gauge Railway line Scheme,
Karur ..Respondent

PRAYER: Civil Revision Petition is filed, under Article 227 of the Constitution of India, against the order dated 02.09.2014 in E.P.No.281 of 2013 in LAOP.No.94 of 2010 on the file of the Principal Subordinate Judge, Karur.

For Petitioner : Mr.S. Manohar
For Respondent 1 : Mr. D. Nallathambi

ORDER

This Civil Revision Petition is filed against the order dated 02.09.2014 passed in E.P.No.281 of 2013 in LAOP.No.94 of 2010 on the file of the Principal Subordinate Judge, Karur.

2. According to the petitioner, an award was passed on 19.12.2012 by the second respondent viz., the Special Thasildar, Salem -Karur-New Broad Gauge Railway line Scheme, Karur. Not being satisfied with the award, the first respondent filed LAOP.No.94 of 2010, before the learned Principal Subordinate Judge, Karur. The said LAOP was allowed on 19.12.2012, enhancing the compensation awarded. The first respondent filed E.P.No.281 of 2013 to attach the movable properties of the petitioner situated at Karur Railway Station, Karur Town. According to the petitioner, without impleading the petitioner as a party to the Execution Petition, got an order attaching the properties of the petitioner.



3. The learned counsel appearing for the first respondent relied on the order of this Court dated 03.10.2016 passed in CRP (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.

5. 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 twelve weeks from the date of receipt of a copy of this order. On such deposit, the first respondent is 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.

6. With the above directions, the Civil Revision Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar



To
The Principal Subordinate Judge, Karur.
+1 cc to Mr.S.Manohar,Advocate,SR.8842
+1cc to Mr.D.Nallathambi,Advocate,SR.8817

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