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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 12-04-2018

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THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

REVIEW APPLICATION No.66 OF 2018

K.S.Aiyadurai ... Applicant/1st Respondent

-vs-

1.The Tamil Nadu Housing Board,
rep.by its Chairman,
Nandanam,
Chennai-600 035. ... 1st Respondent/Appellant

2.The State of Tamil Nadu,
rep.by its Secretary to Government,
Housing & Urban Development Department,
Fort St.George,
Chennai - 600 009.

3.The Special Tahsildar (Land Acquisition),
Neighbourhood Scheme,
O/o.The Executive Engineer and Admn.Officer,
Tamil Nadu Housing Board,
Maharaja Nagar,
Tirunelveli - 11. ... Respondents 2 & 3/ Respondents 2 & 3

Review Application against the judgment, dated 15.12.2017, passed in W.A.No.924 of 2012, on the file of this Court filed against the order dated 13.07.2010 made in WP.NO.13485 of 2001 praying to issue a Writ of Mandamus, forbearing the respondents from interfering with the Petitioners right to enjoy his property admeasuring 10.01 cents of land comprised in Survey Nos.579/2, part, Kulavanigapuram Village, Palayamkottai Taluk, Tirunelveli District Pursuant to the land Acquisition proceedings initiated vide G.O.(MS) No 784, Housing and Urban Development Department dated 04.08.1989 issued under Section 4(1) and G.O(Rt) No 1191 Housing and Urban Development Department dated 01.10.1990 issued under Section 6 of the land Acquisition Act.



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For applicant : Mr.V.Raghavachari
For respondents : Mr.P.S.Sivashanmugasundaram,
Special Govt.Pleader.

ORDER

(Order of the Court was made by Huluvadi G.Ramesh,J.)

Heard the learned counsel for the review applicant.

2. Referring to Paragraph 14 of the judgment, dated 15.12.2017, passed in W.A.No.924 of 2012, it is pointed out that deposit had already been made prior to the award passed; therefore, no deposit, pursuant to the award, has been made and, as such, it is an error apparent on the face of the record.

3 We have consciously examined the records and also the receipt, issued by the treasury, for having deposited the amount. It is seen that a sum of Rs.2,56,49,806/-was deposited under the head "8443 Civil Court Deposit" vide Challan, dated 11.06.2001, pursuant to the award, dated 04.06.2001. However, the argument of the learned counsel for the applicant is that the award amount is only Rs.1,65,37,223/- and not Rs.2,56,49,806/- and, therefore, the amount deposited is not the award amount and it is some other amount. However, we are of the view, that some other amount is also deposited on account of some other acquisitions/awards in addition to the award amount and the award amount of the applicant need not be explained vividly and separately. What is to be tested is, whether the award amount is deposited or not ? As stated above, the amount was already deposited under the court seal on 11.06.2001 pursuant to the award, dated 04.06.2001, and, therefore, there is no error apparent on the face of the record. Under the impression that the amount would be deposited in Civil Court, the party would have approached the Civil Court, where, it appears, false intimation was given to him that no such amount was deposited. But, as could be seen hereinabove, the amount was conscientiously deposited under the head "'8443 Civil Court Deposit'" in the treasury.

4. In view of the fact that the amount is deposited and the possession is also taken over, we do not find any illegality in the judgment, dated 15.12.2017, passed by us in W.A.No.924 of 2012. As such, since there is no scope for interference with the said judgment, this Review Application is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar



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1. The Chairman,
The Tamil Nadu Housing Board,
Nandanam,
Chennai-600 035.
2. The Secretary to Government,
Housing & Urban Development Department,
Fort St. George,
Chennai - 600 009.
3. The Special Tahsildar (Land Acquisition),
Neighbourhood Scheme,
O/o. The Executive Engineer and Admn. Officer,
Tamil Nadu Housing Board,
Maharaja Nagar,
Tirunelveli - 11.

+lcc to Mr.V.Raghavachari, Advocate sr.no.27418
+lcc to Mr.V.Anandhamurthy, Advocate sr.no.27434

REV.APPL.No.66 OF 2018

nr 11/06/2018