

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 28.06.2018

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

C.R.P.(NPD)No.1857 of 2018 and
C.M.P.No.10666 of 2018

The Special Tahsildar,
Tamilnadu Housing Board,
Cuddalore

... Petitioner

Vs.

Brindha

... Respondent/Caveator

Civil Revision Petition has been filed under Article 227 of the Constitution of India against the fair and decreetal order dated 31.01.2018 made in E.P.No.141 of 2017 in L.A.O.P.No.98 of 2007 on the file of the Principal Sub-Court Villupuram, Villupuram District.

For Petitioner : Mr.A.Devnarendran, Govt. Advocate
For Respondent/
Caveator : Mr.S.C.Vishwanth

ORDER

This civil revision petition has been filed against the order dated 31.01.2018 made in E.P.No.141 of 2017 in L.A.O.P.No.98 of 2007 on the file of the Principal Sub-Court Villupuram, Villupuram District.

2 The petitioner herein initiated land acquisition proceedings and the respondent herein is claimant in L.A.O.P.No.98 of 2007 before the learned

Principal Subordinate Judge, Villupuram, against an award passed in Award.No.2 of 2002 dated 31.07.2002, in which the revision petitioner filed counter and contested the land acquisition proceedings. The learned Principal Judge, after giving due opportunities to either parties, allowed the same by judgment and decree dated 31.08.2012. Subsequently the respondent filed E.P.No.141 of 2017 to execute the order passed in L.A.O.P.No.98 of 2007, which was allowed by order dated 31.01.2018 directing the revision petitioner to deposit the E.P. amount along with interest.

3 Aggrieved against the same, the revision petitioner is now before this Court with the present civil revision petition.

4 The learned Government Advocate appearing on behalf of the revision petitioner would submit that the petitioner have paid the full compensation as per the Land Acquisition Act, 1894, and only the interest portion alone have to be paid. He relied on the decision of the Hon'ble Apex Court in *Ratti Ram case in Civil Appeal No.11177 of 2011*, and submitted that the respondent is not entitled for any interest. Hence the order of EP Court dated 31.01.2018 is liable to be set aside.

5 The learned counsel appearing for the respondent/caveator would submit that since the respondent was not satisfied with the award dated 31.07.2002, reference was made in L.A.O.P.No.98 of 2007, wherein award came to be passed in favour of the respondent by award dated 31.08.2012 itself. Since the respondent could not get the award amount, she initiated execution proceedings in E.P.No.140 of 2017, which was also ordered in favour of the respondent by order dated 31.01.2018. The revision petitioner instead of challenging the award passed in L.A.O.P. preferred this revision challenging the order passed in the EP. Hence the revision is liable to be dismissed at the threshold itself.

6 Heard the learned counsel appearing on either side and perused the materials available on record.

7 On a perusal of the records, it reveal that the revision petitioner did not challenge the award dated 31.08.2012 passed in the L.A.O.P.No.98 of 2007, when the EP Court directed the revision petitioner to pay the award amount, the revision petitioner has now preferred this present revision

petition. It is seen from the records that the award was passed in the year 2012 itself, but the revision petitioner neither challenged the award nor paid the award amount as ordered, which clearly shows the lethargic attitude of the revision petitioner.

8 In view of the above, this Court is not inclined to allow the revision and the same is dismissed with cost of Rs.50,000/-. The revision petitioner is directed to comply with the order of the EP Court immediately. Consequently connected miscellaneous petition is closed.

28.06.2018

Index:Yes/No
Internet: Yes/No

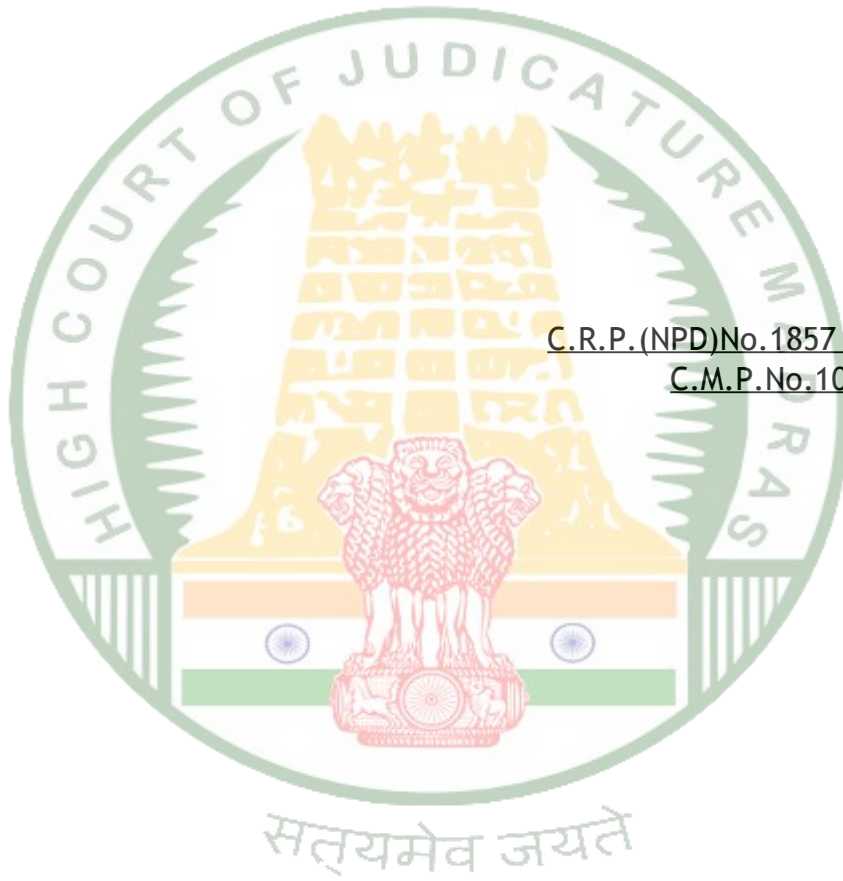
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To
The Principal Sub-Court Villupuram,
Villupuram District.

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P.VELMURUGAN, J.,

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