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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2020

CORAM :

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN
and
THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

Rev.Appln.Nos.89 to 142 of 2018, 17 to 37 of 2019
in
A.S.Nos.67 to 70 of 2011, 80 to 110 of 2011, 144, 146 to 163 of 2011 & A.S.Nos.38, 36, 35, 34, 28, 29, 31, 43, 44, 45, 37, 30, 39, 27, 46, 47, 41, 42, 40, 33 & 32 of 2016

THE MANAGING DIRECTOR
STATE INDUSTRIES PROMOTION
CORPORATION OF TAMIL NADU LTD.,
SIPCOT NO.19-A RUKMANI
LAKSHMIPATHY ROAD EGMORE CHENNAI-08.
...REVIEW APPLICANT IN ALL REV.APPLICATIONS

Vs

1 THE SPECIAL TASHILDAR (LA)
SIPCOT UNIT,
SRIPERUMBUDUR
KANCHEEPURAM DISTRICT.
...R1 IN REVIEW. APPLN NOS.89 TO 142 OF 2018 AND REV.APPLN NOS. 17 TO 37 OF 2019

2.M.KUPPAN
S/O MUNUSAMY
R/O THIRUMANGALAM VILLAGE,
SUNGUVARCHATRAM POST,
SRIPERUMBUDUR TALUK,
KANCHEEPURAM DISTRICT,
TAMIL NADU.
... 2nd RESPONDENT IN REV.APPLN.89 OF 2018

2.DHANDAPANI ... 2nd RESPONDENT IN REV.APPLN.90 OF 2018

2.S.S GOPINATH
3.DURAGA DEVI
...2nd & 3rd RESPONDENTS IN REV.APPLN.91 OF 2018

2.A.VEDAGIRI ...2nd RESPONDENT IN REV.APPLN.92 OF 2018

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2.SUBRAMANI ...2nd RESPONDENT IN REV.APPLN.93 OF 2018

2.THIRUMALAI ...2nd RESPONDENT IN REV.APPLN.94 OF 2018

2. KANNIAPPAN DECEASED
3 KALIAMMAL
4 KUPPUSAMY
5 LAKSHMANAN
6 MANJULA
7 VADIVELU
8 NARAYANAN
9 ANJALATCHI
10 SHANTHI
... RESPONDENTS 2 TO 9 IN REV.APPLN NO.95 OF 2018

(RR3 to 10 brought on record as LRS of the deceased R2 vide order of this Court dated 01/11/2012 and made in M.P.No.1 to 3 of 2012)

KRISHTAPPA NAICKER ...2nd RESPONDENT IN REV.APPLN.96 OF 2018

ETHIRAJULU CHETTIAR ...2nd RESPONDENT IN REV.APPLN.97 OF 2018

THIRUMALAI ...2nd RESPONDENT IN REV.APPLN.98 OF 2018

2 GOTHANDAPANI (DECEASED)
3 PANDIAN
4 NATARAJAN
5 PERUMAL
6 LAKSHMI
7 KANNIAMMAL
...RESPONDENTS 2 TO 7 IN REV.APPLN.99 OF 2018

(RR3 to 7 brought on record as LRS of the deceased R2 vide order of this Court dated 01/11/2012 in M.P.Nos. 1 to 3/2012)

2.KRISHTAPPA NAICKER
...2nd RESPONDENT IN REV.APPLN.100 OF 2018

2 VEDAGIRI(DECEASED)
3 KANNIYAMMAL
4 PANDIAN
5 NATARAJAN
6 PERUMAL
7 LAKSHMI
8 RANI ...RESPONDENTS 2 TO 8 IN REV.APPLN.101 OF 2018

(RR3 to 8 brought on record as LRS of the deceased R1 vide order dated 01/11/2012 and made in M.P.No.1 to 3 of 2012)

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2 MAHENDRAN DECEASED
3 M.JAYA
4 USHA
5 NANDHINI
6 KANNAMMAL
7 NISHA (MINOR)
...RESPONDENTS 2 TO 7 IN REV.APPLN NO.102 OF 2018

(RR3 to 7 brought on record as LRS of the deceased R2 in M.P. 1 to 3 of 2012 order dated 01/11/2012)

2.KRISHTAPPA NAICKER
...2nd RESPONDENT IN REV.APPLN.103 OF 2018

2.NAGAMMAL ...2nd RESPONDENT IN REV.APPLN.104 OF 2018

2 ARUMUGAM
3 ELUMALAI
4 ELLAN
5 PERUNDEVI
...RESPONDENTS 2 TO 5 IN REV.APPLN.105 of 2018

2.KUPPU SAMY ...2nd RESPONDENT IN REV.APPLN.106 OF 2018
2.CHINNAPPA NAICKER
...2nd RESPONDENT IN REV.APPLN.107 OF 2018

2 SARANGAN (DECEASED)
3 ANNA POORANI
4 SELVAM
5 ESWARI
6 SUMATHI
...RESPONDENTS 2nd TO 6 IN REV.APPLN.108 OF 2018

(Respondents 3 to 6 brought on record as LRS of the deceased 2nd respondent as per order dated 01/11/2012 and made in M.P.Nos.1 to 3/12)

2.GANESAN ...2nd RESPONDENT/1ST RESPONDENT IN REV.APPLN.109 OF 2018
2.CHINNAPPA NAICKER
...2nd RESPONDENT/1ST RESPONDENT IN REV.APPLN.110 OF 2018
2.RAGHAVA NAICKER
...2nd RESPONDENT IN REV.APPLN.111 OF 2018

2.VARADHAN ...2nd RESPONDENT/1ST RESPONDENT IN REV.APPLN.112 OF 2018

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2.MARIYAMMAL ...2nd RESPONDENT/1ST RESPONDENT IN REV.APPLN.113 OF 2018

2.GANESAN ...2nd RESPONDENT IN REV.APPLN.114 OF 2018

2.KASIAMMAL ...2nd RESPONDENT IN REV.APPLN.115 OF 2018

2.P. KUMAR ...2nd RESPONDENT IN REV.APPLN.116 OF 2018

2.DEVADOSS ...2nd RESPONDENT IN REV.APPLN.117 OF 2018

2.CHINNAPPAN ...2nd RESPONDENT IN REV.APPLN.118 OF 2018

2.KRISHNAPPAN ...2nd RESPONDENT IN REV.APPLN.119 OF 2018

2.MALLIGA ...2nd RESPONDENT IN REV.APPLN.120 OF 2018

2.PACHAYAMMAL ...2nd RESPONDENT IN REV.APPLN.121 OF 2018

2.ELUMALAI ...2nd RESPONDENT IN REV.APPLN.122 OF 2018

2.NAGAMMAL ...2nd RESPONDENT IN REV.APPLN.123 OF 2018

2.MURUGESAN ...2nd RESPONDENT IN REV.APPLN.124 OF 2018

2.KRISHNAVENI ...2nd RESPONDENT IN REV.APPLN.125 OF 2018

2.MOHANAMMAL ...2nd RESPONDENT IN REV.APPLN.126 OF 2018

2 KUMAR
3 NAGAPPAN
4 MURUGAN
...RESPONDENTS 2 TO 4 IN REV.APPLN.127 OF 2018

2.GANGATHARA NAICKER
...2nd RESPONDENT IN REV.APPLN.128 OF 2018

2.KASI ...2nd RESPONDENT IN REV.APPLN.129 OF 2018

2.MANICKAM ...2nd RESPONDENT IN REV.APPLN.130 OF 2018

2.MUNUSAMY ...2nd RESPONDENT IN REV.APPLN.131 OF 2018

2.KRISHTAMMAL ...2nd RESPONDENT IN REV.APPLN.132 OF 2018

2.DHANDAPANI ...2nd RESPONDENT IN REV.APPLN.133 OF 2018

2.RANGANATHAN ...2nd RESPONDENT IN REV.APPLN.134 OF 2018

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2.LAKSHMIAMMAL ...2nd RESPONDENT IN REV.APPLN.135 OF 2018

2.POWNAMMAL ...2nd RESPONDENT IN REV.APPLN.136 OF 2018

2.SARANGAN ...2nd RESPONDENT IN REV.APPLN.137 OF 2018

2.GOVINDADASS ...2nd RESPONDENT IN REV.APPLN.138 OF 2018

2.GOVINDADASS ...2nd RESPONDENT IN REV.APPLN.139 OF 2018

2.G. MUNUSAMY NAIDU
...2nd RESPONDENT IN REV.APPLN.140 OF 2018

2.R. GOVINDADOSS ...2nd RESPONDENT IN REV.APPLN.141 OF 2018

2.R. GOVINDADOSS
...2nd RESPONDENT IN REV.APPLN.142 OF 2018

2.PREMKUMAR ...2nd RESPONDENT IN REV.APPLN.17 OF 2019

2.EMAROSE ...2nd RESPONDENT IN REV.APPLN.18 OF 2019

2.URMILA DEVI ...2nd RESPONDENT IN REV.APPLN.19 OF 2019

2.JEPPIAR ...2nd RESPONDENT IN REV.APPLN.20 OF 2019

2.DR.G.K.KOTHANDARAMAN
...2nd RESPONDENT IN REV.APPLN.21 OF 2019

2.S.KAVITHA ...2nd RESPONDENT IN REV.APPLN.22 OF 2019

2.RATHAN SINGH ...2nd RESPONDENT IN REV.APPLN.23 OF 2019

2.G.BABUJI ...2nd RESPONDENT IN REV.APPLN.24 OF 2019

2.N.SARASWATHI ...2nd RESPONDENT IN REV.APPLN.25 OF 2019

2.A.CYGRIL JOSEPH ...2nd RESPONDENT IN REV.APPLN.26 OF 2019

2.A.K.KALEESSAIBU(DECEASED)
3.A.K.SAHUL HAMMEED
4.MEHARRABANU
5.NOORMA
...RESPONDENTS 2 TO 5 IN REV.APPLN. 27 OF 2019

2.GEETHA DEVI ...2nd RESPONDENT IN REV.APPLN.28 OF 2019

2.YOGESWARI ...2nd RESPONDENT IN REV.APPLN.29 OF 2019

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2.NAGAMMAL
3.KAMALAMMAL ...2nd RESPONDENT IN REV.APPLN.30 OF 2019

2.VASUKI ...2nd RESPONDENT IN REV.APPLN.31 OF 2019

2.G.BABUJI ...2nd RESPONDENT IN REV.APPLN.32 OF 2019

2.G.BABUJI ...2nd RESPONDENT IN REV.APPLN.33 OF 2019

2.G.BABUJI ...2nd RESPONDENT IN REV.APPLN.34 OF 2019

2.VASUKI ...2nd RESPONDENT IN REV.APPLN.35 OF 2019

2.VADUVAMBAL ...2nd RESPONDENT IN REV.APPLN.36 OF 2019

2.J.GOPALAKRISHNAN
...2nd RESPONDENT IN REV.APPLN.37 OF 2019

PRAYER:

Review Applications filed to review the

(i) Judgment dated 11.10.2013 made in A.S.Nos.67 to 70 of 2011, 80 to 110 of 2011, 144, 146 to 163 of 2011 on the file of this Court.

(ii) Judgment dated 25.04.2016 made in A.S.Nos.38, 36, 35, 34, 28, 29, 31, 43, 44, 45, 37, 30, 39, 27, 46, 47, 41, 42, 40, 33 & 32 of 2016 of 2016 on the file of this Court,

preferred under section 54 of the Land Acquisition Act, against the Common Judgment and decree dated 14/11/2007 passed by the Additional District Judge, FTC V, Chengalpattu at Thiruvallur in L.A.O.P.No.214,297, 237, 304 of 2004, 1153 of 2003, 1154, 1150, 1151, 1152, 1155, 1156, 1157, 1158, 1159, 1160, 1161, 1173, 1174, 1175,1176, 1177, 1178, 1179, 1180 of 2003, 626, 627, 628, 629, 633, 957, 974, 975, 976 of 2004, 256, 261 of 2005, 190, 956, 973 of 2004, 20, 22, 23, 28, 31, 39, 44, 99, 195, 205, 206, 277, 278, 279, 280, 288 of 2005, 274 of 2003,269, 267, 265, 137, 151, 156, 437, 438, 439, 273, 152, 275, 103, 451, 452, 434, 436, 433, 159 & 157 of 2003.

For Petitioner: Mr.Vijay Narayan, Advocate General assisted by Mr.Ramesh Venkatachalapathy (for SIPCOT) for review applicant in all the review applications.

For Respondents: Mr.J.Balagopal, SGP, for R1 (for Special Tahsildar) in all review applications.

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Mr.G.Karthikeyan for R2 in Rev. Appln. Nos.89, 90,92, 93, 94, 95, 97, 98, 106 to 112, 114, 115, 117 to 121, 123, 125, 126, 128, 130, 131, 132, 135, 136, 137, 142 of 2018 for R3 to R7 in Rev.Appln.Nos.99 & 102 of 2018, for R3 to R8 in Rev.Appln.No.101 of 2018, for R2 in Rev.Appln.Nos.103 & 104 of 2018, for R2 to R5 in Rev.Appln.No.105 of 2018, for R2 to R4 in Rev.Appln.No.127 of 2018, for R2 in Rev.Appln.Nos.17 to 26, 28, 29, 31, 32, 33, 34, 35 to 37 of 2019, for R2 to R5 in Rev.Appln.No.27 of 2019, for R2 & R3 in Rev.Appln.No.30 of 2019.

Mr.A.S.Vijayanand for R2 & R3 in Rev.Appln.Nos.91, 96 & 100 of 2018, for R2 in Rev.Appln.Nos.113, 116, 124, 129, 133, 134, 138, 139, 140 & 141 of 2018.

C O M M O N O R D E R

(Order of the Court was delivered by N.KIRUBAKARAN, J)

These review petitions have been filed by the SIPCOT to review the orders passed in A.S.Nos.67 to 70, 80 to 110, 144, 146 to 163 of 2011, pursuant to the liberty granted by the Hon'ble Supreme Court in SLP(C).Nos.28834 to 28854 of 2016 dated 03.11.2017.

2.The Government of Tamil Nadu acquired properties for the purpose of establishing industrial park at Sriperumbudur. For the said purpose, 4(1) notification was issued in the year 1998 for acquisition of 131.98.0 H of patta land and 4.01.5 H of poramboke land, altogether measuring 135.99.5 H at Thirumangalam Village, Sriperumbudur Taluk.

3.Awards were passed fixing the land value at Rs.400/- per cent. The land owners filed an application for reference under Section 18 of the Land Acquisition Act to be referred to Civil Court for enhancement of compensation. About 126 cases were taken on file by the reference court. The Trial Court by a common judgment dated 14.11.2007 by relying on Ex.C.3/Sale Deed dated 15.04.1997 determined the land value at Rs.3500/- per cent, after deducting 40% towards development charges.

4.Aggrieved by the same, the Special Tahsildar, preferred 37 appeals in A.S.Nos.752 to 788 of 2010 against the order made in 37 LAOPs out of 126 LAOPS and this Court by an order dated 03.08.2012 determined the land value at Rs.15,620/- by relying

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upon Ex.C.4/Sale Deed dated 14.07.1997 by which 26 cents of land was sold. The said order was challenged before the Hon'ble Supreme Court. The said SLP was dismissed by the Hon'ble Supreme Court as early as 25.08.2014 on the ground of delay. Pursuant to the same, SIPCOT deposited the amount as per the order of the learned Single Judge dated 03.08.2012 made in 37 appeals viz., A.S.Nos.752 to 788 of 2010 and the land owners also withdrew the amount.

5.While so, the the Special Tahsildar again preferred another batch of appeals in A.S.Nos.67 to 70 of 2011, 80 to 110 of 2011 and 144, 146 to 163 of 2011 against the order made in 53 LAOPs out of 126 LAOPS and those appeals were also disposed by this Court by determining the land value at Rs.15,620/- per cent vide order dated 11.10.2013 by following the earlier order dated 03.08.2012. No SLP was preferred against the said order dated 11.10.2013 and therefore, it attained finality and the amount has also been deposited before the EP Court.

6.Again the Special Tahsildar preferred appeals against the order made in remaining 21 LAOPs (out of the total 126 LAOPs) in A.S.Nos.27 to 47 of 2016. The said Appeal suits were also disposed by this Court on 25.04.2016 determining the compensation at Rs.10,465/- per cent after deducting 33% towards development charges. Against the said order dated 25.04.2016, the SIPCOT preferred an SLP in SLP(C).Nos.28834 to 28854 of 2016 and they were disposed on 03.11.2017 giving liberty to the appellants to file a review petition before this Court. Thereafter, the present review petitions have been filed.

7.Mr.Vijay Narayan, learned Advocate General would submit that there is an error in the calculation of the land value as per the Ex.C.4 document. According to him, the value of land as specified in Ex.C.4 document relied on by this Court for fixing the land value in the earlier batch of cases is only the guideline value and it does not reflect the market value. In view of the same, the order has to be reviewed and the value of the land has to be reduced. Further, he would submit that even as per Ex.C.4 document, the value of the land was only shown as Rs.1,75,000/- and therefore, the guideline value of Rs.3,96,760/- should not have been relied on by this Court. He relied on the following decisions to support his contention:

1. (1994) 4 SCC 595, Jawajee Nagnatham v. Revenue Divisional Officer, Adilabad, A.P. and Others.
2. (1996) 3 SCC 124, U.P.Jalnigam v. Kalra Properties (P) Ltd., Lucknow and Others.
3. (2006) 2 L.W 297, Sakthi & Co., v. Shree Desigachary.
4. (2009) 15 SCC 769, Lal Chand v. Union of India and Another.
5. (2010) 13 SCC 384, Radha Mudaliyar v. Special Tahsildar (Land Acquisition), Tamil Nadu Housing Board.

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6. (2014) 13 SCC 734, Government (NCT of Delhi) and Others v. Ajay Kumar and Others.
7. (2018) 3 SCC 278, Surender Singh v. State of Haryana and Others.

8.On the other hand, Mr.G.Karthikeyan, learned counsel appearing on behalf of the respondents would submit that the scope of the review petition is very limited and it cannot be enlarged. He relied upon the following judgments to contend that the scope of review is very limited.

1. (1997) 8 Supreme Court Cases 715, Parsion Devi and others v. Sumitri Devi and others
2. AIR 2000 SC 1650, Lilly Thomas v. Union of India and others
3. 2013 (4) CTC 882, Kamlesh Verma v. Mayawati and Others

The Hon'ble Supreme Court had only permitted the petitioners to only rectify the error in the calculation of land value and the petitioners cannot re-argue the case as appeals. He would submit that based on the Ex.C.4/Sale Deed, dated 14.07.1997, if the value of the property is going to be redetermined, it would amount to re-appreciation of evidence and it would be beyond the scope of the review petition. The dictum of the Hon'ble Supreme Court is only with regard to the error in the calculation of the land value. The property covered under Ex.C.4 document measuring an extent of 26 cents was sold at Rs.3,96,760/- and therefore, the value of land per cent would amount to Rs.3,96,760 / 26 = Rs.15,260/-. However, by mistake the value has been taken as Rs.15,620/- and after deducting 33% towards development charges fixed the compensation wrongly at Rs.10,465/- instead of Rs.10,224/- which is the correct value. If at all any error is there, it is only a calculation error as state above and the error viz., value of land per cent to be taken as Rs.10,224/- instead of Rs.10,465/- can be rectified.

9.The issue is as to whether the judgments passed by this Court could be reviewed. To understand the scope of review, it would be appropriate to extract Order 47 Rule 1 of CPC.

> 1.Application for review of judgment— (1) Any person considering himself aggrieved—
>
> (a) by a decree or order from which an appeal is allowed, but from which no appeal has been preferred,
>
> (b) by a decree or order from which no appeal is allowed, or
>
> (c) by a decision on a reference from a Court of Small Causes,
>
> and who, from the discovery of new and important matter or evidence which, after the exercise of due diligence was not within his knowledge or could not be produced by him at the time when the decree was passed or order made, or on account of some mistake or error apparent

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on the face of the record of for any other sufficient reason, desires to obtain a review of the decree passed or order made against him, may apply for a review of judgment to the Court which passed the decree or made the order.

10.1.The Hon'ble Supreme Court in Parsion Devi and others v. Sumitri Devi and others reported in (1997) 8 Supreme Court Cases 715 has held that the judgment may be open to review only if there is mistake or error on the face of record. The relevant portion of the said decision is usefully extracted hereunder:-

"9.Under Order 47 Rule 1 CPC a judgment may be open to review inter alia if there is a mistake or an error apparent on the face of the record. An error which is not self evident and has to be detected by a process of reasoning, can hardly be said to be an error apparent on the face of the record justifying the court to exercise its power review under Order 47 Rule 1 CPC. In exercise of the jurisdiction under Order 47 Rule 1 CPC it is not permissible for an erroneous decision to be "reheard and corrected". A review petition, it must be remembered has limited purpose and cannot be allowed to be "an appeal in disguise."

10.Considered in the light of this settled position we fine that Sharma, J. clearly over-stepped the jurisdiction vested in the court under Order 47 Rule 1 CPC. The observation of Sharma, J. that "accordingly", the order in question is reviewed and it is held that the decree in question is reviewed and it is held that the decree in question was of composite nature wherein both mandatory and prohibitory injunction were provided" and as such the case was covered by Article the scope of Order 47 Rule 1 CPC. There is a clear distinction between an erroneous decision and an error apparent on the face of the record. While the first can be corrected by the higher forum, the later only can be corrected by exercise of the review jurisdiction. While passing the impugned order, Sharma, J. found the order in Civil Revision dated 25.4.1989 as an erroneous decision, though without saying so in so many words. Indeed, while passing the impugned order Sharma, J. did record that there was a mistake or an error apparent on the face of the record which not of such a nature, "Which had to be detected by a long drawn process of reasons" and proceeded to set at naught the order of Gupta, J. However, mechanical use of statutorily sanctified phrases cannot detract from the real import of the order passed in exercise of the review jurisdiction. Recourse

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to review petition in the facts and circumstances of the case was not permissible. The aggrieved judgment debtors could have approached the higher forum through appropriate proceedings, to assail the order of Gupta, J. and get it set aside but it was not open to them to seek a "review of the order of petition. In this view of the matter, we are of the opinion that the impugned order of Sharma, J. cannot be sustained and accordingly accept this appeal and set aside the impugned order dated 6.3.1997."

10.2.In Lilly Thomas v. Union of India and others reported in AIR 2000 SC 1650, the Hon'ble Apex Court has held that the power of review can be exercised for correction of mistake and not to substitute views. The relevant portion of the said decision is usefully extracted hereunder:-

"55.It follows, therefore, that the power of review can be exercised for correction of a mistake and not to substitute a view. Such powers can be exercised within the limits of the statute dealing with the exercise of power. The review cannot be treated an appeal in disguise. The mere possibility of two views on the subject is not a ground for review. Once a review petition is dismissed no further petition of review can be entertained. The rule of law of following the practice of the binding nature of the larger Benches and not taking different views by the Benches of coordinated jurisdiction of equal strength has to be followed and practised. However, this Court in exercise of its powers under Article 136 or Article 32 of the Constitution and upon satisfaction that the earlier judgments have resulted in deprivation of fundamental rights of a citizen or rights created under any other statute, can take a different view notwithstanding the earlier judgment."

10.3.The Hon'ble Supreme Court in Kamlesh Verma v. Mayawati and Others reported in 2013 (4) CTC 882 has held that the review proceedings are not by way of an Appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1 of CPC. The relevant portion of the said decision is usefully extracted hereunder:-

"15.Review proceedings are not by way of an Appeal and have to be strictly confined to the scope and ambit of Order 47, Rule 1 of CPC. In Review jurisdiction, mere disagreement with the view of the Judgment cannot be the ground for invoking the same. As long as the point is already dealt with and answered, the parties are not entitled to challenge the impugned Judgment in the guise

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that an alternative view is possible under the Review Jurisdiction."

From the above, it is clear that the review petition cannot be an appeal remedy as the scope of review is very limited. Only if there is an error or a mistake apparent on the face of the record, review of an order can be made.

11.Heard the parties and perused the records.

12.It is seen from the records that as many as 126 cases have been taken on file at the instance of the respective land owners under Section 18 of the Land Acquisition Act before the Civil Court. Though the Civil Court relying upon Ex.C.3 document determined the value of the property at Rs.3500/- per cent after deducting 40% towards development charges, on appeal in 37 cases out of 126 cases, this Court by an order dated 03.08.2012 in A.S.Nos.752 to 788 of 2010 determined the value of land per cent as per Ex.C.4 at Rs.15,620/-. In Ex.C.4 document, though the land value was shown as Rs.1,75,000/-, the Registrar refused to register the document stating that the property had been under valued and thereafter, the stamp duty was paid as per the guideline value of Rs.3,96,760/-. Based on the said value, the learned Single Judge of this Court by an order dated 03.08.2012 determined the value of one cent at Rs.15,620/- and after deducting 33% towards development charges, calculated the compensation to be paid at Rs.10,465/- per cent. Against the said order, SIPCOT preferred SLP.Nos.13281 to 13317 of 2014 and the SLPs were dismissed by the Hon'ble Supreme Court on 25.08.2014 on the ground of delay. Review Petitions (Civil) Nos.2898 to 2934 of 2014 to review the dismissal order dated 25.08.2014 were also dismissed by the Hon'ble Apex Court on 13.01.2015. The entire compensation amount was deposited before the Civil Court and land owners had withdrawn the amount.

13.In the other batch namely, A.S.Nos.67 to 70 of 2011, 80 to 110 of 2011 and 144, 146 to 163 of 2011 filed against the judgment of the Civil Court in 53 LAOPs also, the land value had been fixed at Rs.10,465/- by an order dated 11.10.2013 following the earlier judgment of this Court dated 03.08.2012 and no SLPs have been filed and the amount has been deposited before the EP court.

14.Against the judgment passed by the reference Court in 21 LAOPs, A.S.Nos.27 to 47 of 2016 were filed. The said appeals were also disposed by a common Judgment dated 25.04.2016 following the earlier order by fixing the land value at Rs.10,465/-.

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15.It is seen from the above, though a judgment was passed by the Civil Court in 126 cases in LAOP.Nos.34/2003 to 261/2005 on 14.11.2007, the SIPCOT/Spl. Tahsildar filed Appeal Suits in three different batches. As far as one batch of 37 cases in A.S.Nos.752 to 788/2010 is concerned, it attained finality before the Hon'ble Supreme Court and the parties also withdrew the amount after deposits were made by the SIPCOT. Only in the remaining LAOPs viz., 53 + 21 = 74 cases alone SLPs were preferred and they were disposed on 03.11.2017 with a direction to file a review petition with regard to the calculation error occurred on the basis of Ex.C.2. Though the document has been stated in the order as Ex.C.2, it is only Ex.C.4/Sale Deed, dated 14.07.1997 which is the basis for calculating the land value. Though the parties showed the value of the land under Ex.C.4 document at Rs.1,75,000/-, the said document was not registered as the Registrar was of the opinion that the property was undervalued. Therefore, balance stamp duty was paid for the land value at Rs.3,96,760/-. On the basis of the land value at Rs.3,96,760/-, only this Court determined the value of the land per cent at Rs.15,260 = 396760/26. Ex.C.4 document was executed conveying 26 cents of land and therefore, the value of land per cent amounts to Rs.15,260/-. If at all, any error is there, as rightly pointed out by Mr.G.Karthikeyan, learned counsel for the respondents, it is only with regard to the value of the land covered by Ex.C.4. Instead of taking the value at Rs.15,260/- per cent, this Court had mistakenly taken the value at Rs.15,620/- and after deducting 33% towards development charges determined the compensation at Rs.10,465/-. Factually, the value of land per cent is only Rs.15,260/- and after deducting 33% towards development charges, the value of land per cent would be Rs.10,224/- which is only the calculation error.

16.Mr.Vijay Narayan, learned Advocate General would point out from Ex.C.4 document that only a sum of Rs.1,75,000/- has been shown as the value of land and not a sum of Rs.3,96,760/- as contended by the learned counsel appearing on behalf of the respondents and therefore, Rs.1,75,000/- should be taken as land value covered by Ex.C.4. If the said contention raised by the learned Advocate General is to be accepted, it would amount to re-appreciating the evidence which is beyond the scope of the review petition. Moreover, it would also be beyond the directions issued by the Hon'ble Apex Court, as the Hon'ble Supreme Court has clarified that there is only an obvious calculation error. The relevant portion of the order passed by the Hon'ble Apex Court is usefully extracted hereunder:-

> "Learned Senior Counsel points out that even if all the other contentions are not accepted, in the matter of calculation of value on the basis of the relied upon document C2, there is an obvious calculation error.

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If that be the situation, it is always open to the petitioner(s) to point out the same before the High Court.

Therefore, special leave petitions are disposed of with a liberty to the petitioner(s) to file review within thirty days from today, in which case, the same may not be dismissed on the ground of delay."

Therefore, as rightly pointed out by Mr.G.Karthikeyan, learned counsel appearing on behalf of the respondents, the error in the value of the land per cent is rectified as Rs.10,224/- instead of Rs.10,465/-.

17.There is no dispute with regard to dictum laid in the judgments relied upon by the learned Advocate General with regard to the market value of the property which declare that the guideline value cannot be market value. However, the said argument cannot be appreciated in review petitions. If such argument is accepted, it would amount to substituting the view by giving reasons. If at all, it may be a good ground to be used in the appeals before the higher forum and not in the review petitions. Therefore, the judgment relied upon by the learned Advocate General would not be of any use.

18.In the instant case, no mistake or an error apparent on the face of the record could be found. Even as per the direction of the Hon'ble Apex Court, there is only a calculation error. As already stated above, the calculation error is only with regard to the value of the land. While calculating the land value based on Ex.C.4 document, instead of taking the value at Rs.15,260/- per cent, this Court had mistakenly taken the value at Rs.15,620/- and after deducting 33% towards development charges determined the compensation at Rs.10,465/-. Factually, the value of land per cent is only Rs.15,260/- and after deducting 33% towards development charges, the value of land per cent would be Rs.10,224/- which is only the calculation error.

19.With the above observation, the review petitions are dismissed holding that there is no ground made out by the review petitioners to review the orders.

20.Though the review petitions have been filed, what is to be noted is that the lands were acquired as early as in the year 1988 and the awards have been passed and the cases were referred to the Civil Court under Section 18 of the Land Acquisition Act in the year 2003. The Civil Court disposed of the LAOPs as early as on 14.11.2007. Thereafter, out of 126 cases, 37 cases were appealed and they were disposed as early as 03.08.2012 determining the value at Rs.15,620/- per cent and after deducting 33% towards development charges, Rs.10,465/- per cent

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was determined as compensation and the said amount was also paid to the parties. Again the judgment passed in 37 LAOPs have been appealed against and they were disposed on 11.10.2013 determining the very same amount of Rs.10,465/- as compensation. Thereafter, the orders made in the remaining LAOPs have been appealed against in A.S.Nos.27 to 47 of 2016 and they were disposed on 25.04.2016. Special Leave Petitions have been filed before the Hon'ble Apex Court and the order dated 03.11.2017 came to be passed to file a review before this Court.

21.From the above, it is clear that for more than two decades, the parties have not seen the colour of the coin and they have been made to run from pillar to post. Moreover, one group of 37 land owners covered by the judgment dated 03.08.2012 passed in A.S.Nos.752 to 788 of 2010 alone enjoyed the benefit of compensation at the rate of Rs.10,465/- per cent, as the Government had already disbursed the amount. Whereas, the remaining land owners have been discriminated by different treatment. If the authorities were diligent, they would have filed appeals in all the cases in a batch. However in the instant case, the appeals were filed in three batches viz., 37 appeals in the year 2010, 53 appeals in the year 2011 and 21 appeals in the year 2016 which is detrimental to the interest of the land owners for no fault of them. The land owners who lost their property have not enjoyed the fruits even after two decades and it would be impossible for them to buy same extent of property as on today with the compensation provided by the Government.

22.The Hon'ble Supreme Court in the decision reported in (2011) 8 SCC 161, Indian Council for Enviro-Legal Action v. Union of India and Others had directed payment of Compound Interest for not complying with the Court's order, since by non-complying the order, the other side is unjustly enriched. It was further held therein that a party cannot be allowed to take benefit of his own wrong and observed that unless Courts disgorge all benefits that a party availed by obstruction or delays or non-compliance, there will always be incentive for non-compliance and the party deprived of the benefits should be compensated by way of Compound Interest. Paragraphs 149, 150 and 197 of the judgment are usefully extracted hereunder:-

> "149.It is settled principle of law that no one can take advantage of his own wrong. Unless courts disgorge all benefits that a party availed by obstruction or delays or non-compliance, there will always be incentive for non compliance, and parties are ingenious enough to come up with all kinds of pleas and other tactics to achieve their end because they know that in the end the benefit will remain with them.

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150.Whatever benefits a person has had or could have had by not complying with the judgment must being disgorged and paid to the judgment creditor and not, allowed to be retained by the judgment-debtor. This is the bounden duty and obligation of the court.

.....

.....

197.The other aspect which has been dealt with in great details is to neutralize any unjust enrichment and undeserved gain made by the litigants. While adjudicating, the courts must keep the following principles in view.

1. It is the bounden duty and obligation of the court to neutralize any unjust enrichment and undeserved gain made by any party by invoking the jurisdiction of the court.

2. When a party applies and gets a stay or injunction from the court, it is always at the risk and responsibility of the party applying. An order of stay cannot be presumed to be conferment of additional right upon the litigating party.

3. Unscrupulous litigants be prevented from taking undue advantage by invoking jurisdiction of the Court.

4. A person in wrongful possession should not only be removed from that place as early as possible but be compelled to pay for wrongful use of that premises fine, penalty and costs. Any leniency would seriously affect the credibility of the judicial system.

5. No litigant can derive benefit from the mere pendency of a case in a court of law.

6. A party cannot be allowed to take any benefit of his own wrongs.

7. Litigation should not be permitted to turn into a fruitful industry so that the unscrupulous litigants are encouraged to invoke the jurisdiction of the court.

8. The institution of litigation cannot be permitted to confer any advantage on a party by delayed action of courts."

23.In view of the aforesaid decision, these review petitions are dismissed with a direction to the Government to pay the entire compensation amount due to the land owners with 6% Compound Interest within a period of 8 weeks from the date of receipt of a copy of this order. Further, since the compensation amount has been deposited in the E.P filed by the claimants in

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A.S.Nos.81,84,85,93 to 99,104,105,107,108,110 and 147 of 2011 and the amount is lying in the account for more than one year, it is appropriate to permit the respective claimants to withdraw their amounts forthwith. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Additional District Judge,
Fast Track Court No.V,
Chengalpattu at Thiruvallur.

Copy to

The Special Tahsildar,
SIPCOT Unit
Sriprumbudur Taluk
Kancheepuram District.

+75 Copies to Mr.Ramesh Venkatachalapathy, Advocate
Sr.6416,6419, 6418, 6417
+1cc to Mr.G.Karthikeyan, Advocate Sr.5921
+1cc to Mr.K.M.Balaji, Advocate Sr.7317
+1cc to Mr.A.S.Vijay Anand, Advocate Sr.6127

Rev.Appln.Nos.89 to 142 of 2018
& 17 to 37 of 2019

gj[co]
srg 24/02/2020

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