

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE P. VELMURUGAN

CRP(NPD) No.461 of 2017 and
C.M.P.No.2196 of 2017

The Special Tahsildar
Tamil Nadu Housing Board Scheme,
Land Acquisition, (Unit-III), Nandanam,
Chennai - 600 101.

... Petitioner

Vs.

1. S. Pratapchand
2. S. Pannalal
3. S. Kamalchand
4. S. Padamchand
5. S. Sumermull
6. Mrs. Prem Kanwar
7. Manju
8. Sasi @ Sasikala
9. M. Rajender
10. Rekha

.... Respondents

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India to set aside the fair and decreetal order dated 27.09.2016 made in E.P.No.4 of 2014 in L.A.O.P.No.6 of 1992 on the file of VI Assistant City Civil Court (VI Assistant Judge) Chennai.

For Petitioner : Mr.M.Venkatesh Kumar, GA(CS)

For Respondent-1 : Mr.Goutham S. Raman
For Mr.A. Umashankar

O R D E R

The respondents filed LAOP.No.6 of 1992 against the revision petitioner stating that the land belongs to the respondents. After Sec.4(1) notification under the Land Acquisition Act, the award was passed on 31.07.1991 and in that award from the date of notification till the date of the award, the revision petitioner has to pay the amount. Subsequently, the respondents went on appeal in A.S.No.974 of 2005 and the order of the trial court was confirmed. The revision petitioner deposited the amount withholding interest from 04.07.1984 to 31.07.1991. Therefore, the respondent/Decree Holder has filed the Execution

Petition by claiming interest amount for the above said period. The revision petitioner resisted the Execution Petition by filing a counter affidavit stating that the period, for which, they spent for disposal of writ petition No.9302 of 1987, they are not entitled to claim interest. But, on a perusal of the award, it is to be noticed that Clause No.3 of the award reads as follows:

That the respondent do pay the Claimants interest @ 12% per annum from the date of notification (i.e) 04.07.1984 till date of taking possession of the land (i.e.) 20.08.1991.

2. Even, in A.S.No.974 of 2005, it is clearly stated that as per the award, the revision petitioner is liable to deposit the amount. Then, there was no challenge with regard to the period of interest. Therefore, the EP Court has considered the said fact that and passed the impugned order and therefore, there is no merit, and the executing court cannot go beyond the decree, unless it is modified or challenged or set aside. Therefore, under these circumstances, as on date, such award was not modified. Hence, there is no perversity in the impugned order passed by the learned VI Assistant Judge, City Civil Court, Chennai in E.P.No.4 of 2014 in L.A.O.P.No.6 of 1992, dated 27.09.2016. Therefore, there is no merit in this revision petition.

3. With the above observations, the Civil Revision Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

सत्यमेव जयते
Sub Assistant Registrar

To

The VI Assistant Judge,
City Civil Court,
Chennai.

+1cc to Mr.A. Umashankar, Advocate sr.no.43483

+1cc to Additional Government Pleader(CS) SR.NO.43661

CRP(NPD) No.461 of 2017

NR 31/08/2018