

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 12.02.2018

CORAM:

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU**C.R.P. (NPD) (MD) .No.292 of 2018****and****C.M.P. (MD) .No.1337 of 2018**

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

... Petitioner

Vs.

1. Ramanathan
 2. The Special Thasildar (Land Acquisition),
Salem Karur New Broad Gauge Railway Line Scheme,
Karur.
- ... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India against the fair order and Ex-order dated 02.08.2017 in E.P.No.120 of 2016 in L.A.O.P.No.59 of 2010 on the file of the Principal Subordinate Judge, Karur.

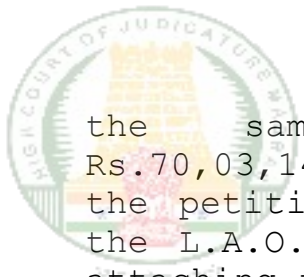
For Petitioner : Mr.S.Manohar

For Respondents : Mr.K.Prabhakar (for caveator/R1)

ORDER

This Civil Revision Petition is filed against the order dated 02.08.2017 in E.P.No.120 of 2016 in L.A.O.P.No.59 of 2010 on the file of the Principal Subordinate Judge, Karur.

2. According to the petitioner, an award was passed by the second respondent viz., the Special Thasildar (Land Acquisition), Salem -Karur-New Broad Gauge Railway line Scheme, Karur, for the land acquired. Being dissatisfied with the award, the first respondent has filed L.A.O.P.No.59 of 2010, before the learned Principal Subordinate Judge, Karur. The said L.A.O.P. was allowed on 19.12.2012, enhancing the compensation awarded. The first respondent filed E.P.No.120 of 2016 to attach the petition mentioned movable properties belonging to the petitioner and sell



the same so as to realise the amount of Rs.70,03,149/- with subsequent interest and costs. According to the petitioner, without impleading the petitioner as a party to the L.A.O.P. proceedings, the first respondent has got an order attaching the properties of the petitioner.

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3. The learned counsel appearing for the first respondent relying upon the order of this Court dated 03.10.2016 passed in C.R.P.(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."

4. 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 eight weeks from the date of receipt of a copy of this order. On such deposit, the first respondent/claimant 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."



disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS-III)

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/True Copy/

Sub Assistant Registrar

To

1. The Principal Subordinate Judge,
Karur.
2. The Special Thasildar (Land Acquisition),
Salem Karur New Broad Gauge Railway Line Scheme,
Karur.

+ 3 ccs TO Mr.K.Prabhakar , Advocate in SR No. 47893
+ 1 cc TO Mr.S.Manohar , Advocate in SR No. 48564

gk
AE/SKN RSK/SAR1/21.02.2018/3P/7C

C.R.P. (NPD) (MD) .No.292 of 2018
12.02.2018