



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2018

CORAM:

THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN

C.R.P. (PD) (MD) Nos.972 to 974 of 2018

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C.R.P. (PD) (MD) No.972 of 2018:

Smt.P.Guruvammal

... Revision Petitioner/Petitioner/
Applicant/Claimant

-Vs-

The Special Tahsildar,
Land Acquisition Adi Dravidar Welfare Officer,
Nilakottai.... Respondent/Respondent/Respondent/
Referring Officer

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the Fair and Executable order dated 02.02.2012 passed in unnumbered I.A.No. of 2012 in C.M.A.SR No.3198 of 2012 in Award No.2 of 2003-2004 in R.O.C.No.1605/02/A on the file of the Principal Subordinate Judge, Dindigul and thereby allow the present Civil Revision Petition.

For Petitioner : Mr.K.Muraleedharan
For Respondent : Mrs.VPM.Vaishnavi
Govt. Advocate

C.R.P. (PD) (MD) No.973 of 2018:

Smt.Muthu Irulayee

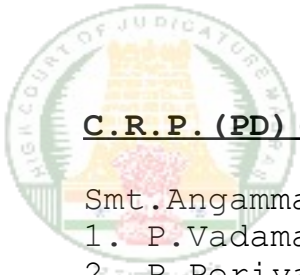
... Revision Petitioner/Petitioner/
Applicant/Claimant

-Vs-

The Special Tahsildar,
Land Acquisition Adi Dravidar Welfare Officer,
Nilakottai.... Respondent/Respondent/Respondent/
Referring Officer

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the Fair and Executable order dated 02.02.2012 passed in unnumbered I.A.No. of 2012 in C.M.A.SR No.3197 of 2012 in Award No.2 of 2003-2004 in R.O.C.No.1605/02/A on the file of the Principal Subordinate Judge, Dindigul and thereby allow the present Civil Revision Petition.

For Petitioner : Mr.K.Muraleedharan
For Respondent : Mrs.VPM.Vaishnavi
Govt. Advocate



C.R.P. (PD) (MD) No.974 of 2018:

Smt.Angammal (Died)

1. P.Vadamalayan
2. P.Periyakaruppan
3. P.Selvaraj
4. P.Rajaaram
5. P.Parameswaran
6. P.Neethirajan
7. Kamu

... Revision Petitioners/Petitioners/
Applicants/Claimants

-Vs-

The Special Tahsildar,
Land Acquisition Adi Dravidar Welfare Officer,
Nilakottai.

... Respondent/Respondent/Respondent/
Referring Officer

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India praying to set aside the Fair and Executable order dated 02.02.2012 passed in unnumbered I.A.No. of 2012 in C.M.A.SR No.3196 of 2012 in Award No.2 of 2003-2004 in R.O.C.No.1605/02/A on the file of the Principal Subordinate Judge, Dindigul and thereby allow the present Civil Revision Petition.

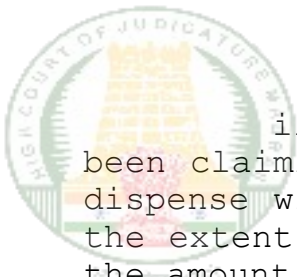
For Petitioners : Mr.K.Muraleedharan
For Respondent : Mrs.VPM.Vaishnavi
Govt. Advocate

COMMON ORDER

The revision petitioners sought to file Appeals before the learned Principal Sub Judge, Dindigul against the award passed by the respondent herein with the consequential direction to fix the market value of the lands acquired from them and also to pay Rs.15,000/- per cent with solatium and interest. Since the Trial Court insisted for payment of Court fee for the enhanced amount, they filed Interlocutory Applications for dispensing with payment of court fee for the enhanced claim amount, which were summarily rejected by the Trial Court without taking the applications on file. Aggrieved by such rejection, the petitioners / claimants are before this Court.

2. Heard the learned counsel for the petitioners and the learned Government Advocate appearing for the respondent. For the sake of brevity, the facts are being taken from C.R.P.(PD) (MD) No.972 of 2018, in which the case of the petitioner is as follows:

i) she does not have any wherewithal and her only assets had been acquired by the Government on payment of meagre amount and as such, her appeal should have been automatically entertained without insisting for payment of Court Fee for the enhanced amount;



ii) the Trial Court, under the wrong notion that she has been claiming total exemption from payment of Court Fee, refused to dispense with the same without considering her undertaking given to the extent that she is ready to pay the proportionate Court Fee for the amount that may be arrived at by the learned Subordinate Judge;

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iii) the Trial Court had failed to note that the Court Fee can be collected even at the final stage of the proceedings, if enhanced, before disbursement of the award amount.

iv) contending that the non speaking order of the Trial Court is erroneous, vitiated, perverse and un-sustainable, it is prayed that the order of the Trial Court needs intervention by this Court.

3. Per contra, it is the contention of the learned Government Advocate that the Trial Court has rightly insisted for payment of court fee for the enhanced amount, which is in consonance with the order passed by this Court in C.R.P.(MD) No.1525 of 2018, wherein, this Court had held that the Court Fee must be paid for the enhanced amount. It is further contended that the order of the Trial Court is perfectly in line with the direction of this Court and therefore, it does not call for any interference by this Court and these petitions are to be dismissed at the threshold.

4. The petitioners / claimants claim that their house plots are situated in a well developed area and the compensation awarded for the acquired lands is very meagre. While so, to add fuel to fire, they were directed to remit the Court fee for the enhanced amount, when they have been struggling to eke out their livelihood. It is stated by the petitioners that they are not trying to evade from payment of Court Fee, but only request the Court to collect the Fee after awarding the amount, so that they would be in a position to pay the same. However, without considering all these aspects and the present condition of the petitioners, the Trial Court, by way of non speaking order, simply dismissed the applications without even entertaining those applications.

5. It is pertinent to mention here that once an application is filed, it is the duty cast upon the Trial Court to number the same and thereafter, decide thereon based on its own merits and demerits of the matter in accordance with law. Therefore, finding much force in the contention raised by the learned counsel for the petitioners and to meet out the ends of justice, this Court is of the view that a direction shall be issued to the Trial Court to first number the applications and take a decision thereon on merits and in accordance with law.

6. In the result,

a) these Civil Revision Petitions are disposed of and the matters are remanded back to the learned Principal Subordinate Judge, Dindigul for fresh consideration of the orders dated



02.02.2012 passed in unnumbered I.A.Nos. of 2012 in C.M.A.SR Nos.3198 of 2012, C.M.A.SR No.3197 of 2012 and C.M.A.SR No.3196 of 2012 in Award No.2 of 2003-2004 in R.O.C.No.1605/02/A;

b) the Trial Court is directed to number all the applications and pass speaking orders thereon on merits and in accordance with law by giving notice to both parties within a period of four weeks from the date of receipt of a copy of this order;

No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Principal Subordinate Judge,
Dindigul.
2. The Special Tahsildar,
Land Acquisition Adi Dravidar Welfare Officer,
Nilakottai.
3. The Record Keeper,
E.R.Section,
Madurai Bench of Madras High Court,
Madurai.
(To return the Original papers to the petitioners).
4. The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. **(2 Copies)**

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04.06.2018

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