



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (NPD) (MD) No.1473 of 2017

and

C.M.P. (MD) Nos.7720 and 498 of 2017

The Revenue Divisional Officer,
Periyakulam,
Theni District.

... Petitioner/Respondent/
land acquisition officer

-vs-

1.Senthilathipathithayalan
2.Krishnamoorthy
3.Veerappan
4.Varalakshmi
5.Chitra
6.Kannammal

... Respondents/Respondents/Respondents

PRAYER: Civil Revision Petition filed under Section 115 of Civil Procedure Code, praying to set aside the fair and decreetal order passed in E.P.No.98 of 2010 in L.A.O.P.No.1 of 2005 dated 07.10.2016 on the file of the Sub Court, Periyakulam.

For Petitioner : Mr.M.Karuppasamy
Government Advocate
For Caveator : Mr.J.Lawrance

ORDER

The lands belong to the respondents were acquired for putting up Court complex. The acquisition proceedings had taken place in the year 2004. Contending that the compensation offered to them is not adequate, the land owners sought reference under Section 18 of the Land Acquisition Act, 1894. The award dated 31.03.2009 in L.A.O.P.No. 1 of 2005 on the file of the Sub Court, Periyakulam was passed in favour of the land owners, fixing the market value at the rate of Rs.6,000/- per cent. Of course, the land owners were held entitled to solatium and interest. It is admitted that a sum of Rs.1,75,37,303/- was deposited on 07.03.2012. But this amount did not represent the entire compensation amount as on 07.03.2012. They still remained balance of Rs.28,47,671/- to be deposited.



deposited in the Court. Therefore, as per Section 34 of the Land Acquisition Act, 1894, this amount would carry interest at the rate of 15%. Section 34 of the Land Acquisition Act, 1894, reads as under:-

"34.Payment of interest:- When the amount of such compensation is not paid or deposited on or before taking possession of the land, the Collector shall pay the amount awarded with interest thereon at the rate of nine per centum per annum from the time of so taking possession until it shall have been so paid or deposited."

3.The revision petitioner now claims that the land owners should accept only the amount of Rs.28,47,671/- without interest. This is a baseless argument. The land owners were entitled to get this amount even on 07.12.2013. The land owners are claiming the said amount for the last 6 ½ years. Therefore, it is the bounden duty of the revision petitioner to pay the said amount together with interest at the rate of 15% per annum. This statutory mandate is cast on the revision petitioner in terms of Section 34 of the Act. There is absolutely no escape from the legal consequences.

4.Since the entire amount has not been remitted or paid to the land owners, the Court below rightly ordered attachment. The said order does not warrant any interference. There is no merit in the Civil Revision Petition. Accordingly, it is dismissed. Consequently, connected Miscellaneous Petitions are dismissed. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

The Sub Judge, Periyakulam.

COPY TO:

The Record Keeper,
V.R.Section,
Madurai Bench of Madras High Court,
Madurai. **(Two Copies)**

+1cc to Special Government Pleader, SR.No. 78845

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