

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 08.02.2018****CORAM :****THE HONOURABLE MRS.JUSTICE J.NISHA BANU****C.R.P. (PD) (MD) No.1525 of 2017****and****C.M.P. (MD) No.8333 of 2017**

The Deputy Chief Engineer,
Constructions,
Indian Railway,
Salem.

... Petitioner / Petitioner /
Claimant / 3rd Party
vs.

1.Ammayappan

... 1st Respondent / 1st Respondent /
Petitioner / Claimant

2.The Special Tahsildar (Land Acquisition)
Salem-Karur-New Broad Gauge Railway Line Scheme,
Old Collectorate Complex,
Near Therasa School,
Karur Town.

... 2nd Respondent / 2nd Respondent
/ Respondent / Returning Officer

PRAYER: Petition filed under Article 227 of the Constitution of India, to set aside the fair and executable order dated 23.12.2016 passed in E.A.No.33 of 2014 in E.P.No.269 of 2013 in L.A.O.P.No.57 of 2011 on the file of the Additional Subordinate Judge, Karur.

For Petitioner : Mr.S.Manohar
For Respondents : Mr.V.Meenakshi Sundaram for R.1
Mr.K.Anbarasan,
Additional Government Pleader for R.2

ORDER

Assailing over the order passed by the learned Additional Subordinate Judge, Karur in E.A.No.33 of 2014 in E.P.No.269 of 2013 in L.A.O.P.No.57 of 2011 dated 23.12.2016, vide which, the petitioner was directed to deposit the enhanced compensation for the acquired lands, the present civil revision petition has been filed.



2. At the time of admitting the Civil Revision Petition, the learned counsel for the petitioner had undertaken to deposit the entire amount, within the particular time frame fixed by this Court. In view of the same, this Court, on 06.09.2017, granted an order of interim stay on condition that the petitioner should deposit the entire award amount with interest.

3. Today, it is represented by the learned counsel for the petitioner that the entire amount had been deposited. The learned Counsel for the first respondent would submit that in similar matters in C.R.P.Nos.441 to 444 of 2014 and in other connected matters, this Court has passed the following order:

"The Executing Court is directed to permit the concerned respondent, who are the petitioners in the respective petitions, to withdraw the entire amount deposited by the petitioner 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".

Therefore, he prays for a similar order.

4. The learned counsel for the first respondent would further contend that no appeal has been filed by the petitioner in this regard, which is not denied by the learned Counsel for the petitioner.

5. In view of the same, this Civil Revision Petition is disposed of, directing the Executing Court to permit the first respondent herein/claimant to withdraw the entire amount deposited by the petitioner herein. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1. The Additional Subordinate Judge,
Karur.

2. The Special Tahsildar (Land Acquisition)
Salem-Karur-New Broad Gauge Railway Line Scheme,
Old Collectorate Complex,
Near Therasa School,
Karur Town.

+1cc to M/S.D.NALLATHAMBI, Advocate SR.No.47657.

C.R.P. (PD) (MD) No.1525 of 2017
and
C.M.P. (MD) No.8333 of 2017
08.02.2018

gk
SDS/GT/SAR 1/20.02.2018/3P/4C