



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) No.2388 to 2390 of 2018
and
C.M.P. (MD) No.10684 to 10686 of 2018

The Executive Engineer / Administrative Officer,
Tamil Nadu Housing Board,
Ramanathapuram ... Petitioner in all petitions

/Vs./

1. K.Karmegam ... 1st Respondent in CRP (MD) No.2388 of 2018
M.Jeyagandhi ... 1st Respondent in CRP (MD) No.2389 of 2018

K.SyaduAbubagar ... 1st Respondent in CRP (MD) No.2390 of 2018

2. The Revenue Divisional Officer,
Ramanathapuram. ... 2nd Respondent in all petitions

Common Prayer: Civil Revision Petitions - filed under Article 227 of the Constitution of India, to allow the civil revision petitions and strike off the Execution Petition No.24, 17 and 15 of 2016 in L.A.O.P.No.30 of 2010, 2 of 2014 and 1 of 2013 on the file of the Subordinate Court, Ramanathapuram.

For Petitioner : Mr.R.Janarthanan
For R-2 : Mr.M.Karuppasamy
Government Advocate
(in all petitions)

COMMON ORDER

These civil revision petitions have been taken out for striking off the respective Eps filed by the land owners, whose lands have been acquired. In a similar matter, this Court has passed the following order in C.R.P. (MD) Nos.1740 and 1741 of 2018, on 08.10.2018:

"2. When the matter was taken up for hearing, the learned counsel appearing for the land owners produced copies of the calculation memo. It is seen that the land owners have calculated the interest amount payable from the date of gazette Notification under



Section 4(1) of the Land Acquisition Act, 1894, that is on 16.03.1994. But then, as rightly pointed out by the learned counsel appearing for the revision petitioner, the same has been modified by the common judgment and decree dated 28.04.2010 made in A.S.(MD) No.35 of 2010 and A.S.No.(MD)No.120 of 2010, this Court had held as follows:-

"4.However, the learned counsel for Housing Board brought to the notice of this Court that under Section 4(1) Notification was published in the local news paper only on 05.04.1994, whereas in the award passed by the tribunal it has been wrongly referred the date as 16.03.1994 and therefore, he seeks correction of the date of the Section 4(1) Notification. A perusal of the award dated 03.04.1997 passed by the Land Acquisition Officer discloses that Section 4(1) Notification was published on 05.04.1994. Therefore, the interest to be paid to the claimants is from the actual date of Section 4(1) Notification dated 05.04.1994 and not from 16.03.1994. Expect the correction in Section 4(1) Notification date, in all other aspects, the award of the Tribunal is confirmed."

3.Therefore, the calculation memo submitted by the land owners suffers from an obvious error. In this view of the matter, the orders impugned in the civil revision petitions are set aside. The civil revision petitions stand allowed, accordingly."

2. It appears that the present Eps also suffer from similar erroneous claim. Hence, these civil revision petitions are disposed of by directing the land owners to file a revised calculation memo before the Court below. The executing Court shall ensure that the Housing Board deposits the entire compensation amount as per the decree passed by the High Court in the aforesaid first appeal. The entire exercise shall be concluded within a period of three months from the date of receipt of a copy of this order.

3. With the above directions, the civil revision petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Writs)

/True Copy/



1. The Subordinate Judge, Ramanathapuram.

2. The Revenue Divisional Officer,
Ramanathapuram.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 92907

+ 3 CC TO Mr.R.JANARTHANAN, ADVOCATE IN SR No. 92671, 92672 & 92669

SM

TE/SV/SAR-4 : 04/12/2018 : 3P/7C

Common Order made in
C.R.P. (MD) (NPD) No.2388 to 2390 of 2018
29.10.2018