



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD) (NPD) Nos.624 to 626 of 2016
and
C.M.P. (MD) Nos.2842 to 2847 of 2016

The Special Tahsildar (Land Acquisition),
Presently Revenue Divisional Officer,
(Defence Purpose Unit-I),
Nanguneri,
Now Revenue Divisional Officer,
Tirunelveli.

... Petitioner
(in all petitions)

Vs.

1.P.Saraswathi
2.P.Ravikumar
3.P.Santhi
4.P.Jeyarajkumar

5.The Union of India,
Represented by the Defence Estate Officer,
Madras Circle,
Chennai-35.

... Respondents in C.R.P. (MD) No.624 of 2016

A.Suburayalu (died)

1.R.Kanjana
2.S.Vidhaya
3.Rajapriya

4.The Union of India,
Represented by the Defence Estate Officer,
Madras Circle,
Chennai-35.

... Respondents in C.R.P. (MD) No.625 of 2016

M.Kesavan (died)

1.Iyyammal
2.Manjula
3.Ananthi
4.Muthulakshmi

5.The Union of India,
Represented by the Defence Estate Officer,
Madras Circle,
Chennai-35.

... Respondents in C.R.P. (MD) No.626 of 2016



Common Prayer: Civil Revision Petitions - filed under Section 115 of the Civil Procedure Code, to set aside the attachment orders dated 08.03.2016 passed in E.P.No.262, 263 and 370 of 2006 in L.A.O.P.No.93, 95 and 97 of 1985 respectively on the file of the Principal Sub Court, Tirunelveli.

For Petitioner : Mr.M.Karuppasamy
Government Advocate (in all petitions)

For R-2 to R-4 : Mr.Meenakshi Sundaram
Senior Counsel
for Mr.W.G.Newtonraj

For R-5 : Mr.K.R.Laxman
Senior Panel Counsel
(in C.R.P. (MD)No.624 of 2016)

For R-1 to R-3 : Mr.Meenakshi Sundaram
Senior Counsel
for Mr.W.G.Newtonraj

For R-4 : Mr.K.R.Laxman
Senior Panel Counsel
(in C.R.P. (MD)No.625 of 2016)

For R-1 to R-4 : Mr.Meenakshi Sundaram
Senior Counsel
for Mr.W.G.Newtonraj

For R-5 : Mr.K.R.Laxman
Senior Panel Counsel
(in C.R.P. (MD)No.626 of 2016)

COMMON ORDER

The civil revision petitions arise out of the land acquisition proceedings. The land belonging to the private respondents herein was acquired long back. The awards were also passed long back. To execute the same, Execution Petitions were filed. The Executing Court passed orders of attachment. The orders of attachment are questioned in the civil revision petitions.

2. This Court went through the grounds of revision.

3. All that the revision petitioner contends is that the part payment earlier made were not taken note of. Another contention is that in view of the issuance of election notification, the assets of the District Collector could not be attached.

4. This Court is unable to agree with any of the contentions raised in the civil revision petitions.



5. The short question that arises for consideration is this: Whether the awards passed in favour of the land owners have been satisfied or not?. When the awards have not been satisfied, the only course open to the Executing Court is to enforce the award. This is what the Court below has to proceeded to do. Therefore, finding no merit in the civil revision petitions, the civil revision petitions stand dismissed.

6. However, taking note of the fact that the public interest is involved, the Executing Court is directed to keep the Execution Petitions on hold for a period of two months. Liberty is given to the authorities to verify if the calculation memo filed by the land owners is correct. But, this observation cannot be made use for reopening the proceedings. The verification exercise in the very nature of things, will have to be fast and summary. The claim which the state government may have on the central government will have to be worked out independently. In the process of resolving the interstate dispute between the State and Central Governments, the land owners cannot be made to wait indefinitely. It is for the authorities to fast track their internal mechanisms. Accordingly, the civil revision petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/

Assistant Registrar(Writs)

/True copy/

Sub Assistant Registrar(CS-II)

To:

The Judge, The Principal Sub Court, Tirunelveli.

+1cc to M/s.Special Government Pleader,SR.No. 84745,84744,84743

+1cc to Mr.G.NEWTON RAJ, Advocate, SR.No. 84706

C.R.P. (MD) (NPD)No.624 to 626 of 2016

17.09.2018

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KK/SV/SAR-2/25.10.2018/3P-4C