



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.10.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHANC.R.P. (MD) .Nos.1740 & 1741 of 2018 andC.M.P. (MD) Nos.7526 & 7527 of 2018C.R.P. (MD) No.1740 of 2018

The Executive Engineer/
Administrative Officer,
Tamil Nadu Housing Board,
Ramanathapuram.

... Petitioner/2nd Respondent/
Beneficiary

Vs.

1. A.Abulzameen
2. A.Sirajudeen

... Respondents/Petitioners/
Ex Land Owners

3. The Revenue Divisional Officer,
Ramanathapuram.

... Respondent/1st Respondent/
Respondent

PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision petition and set aside the petition and order dated 08.06.2018 passed in E.P.No.8 of 2016 against L.A.O.P.No.2 of 2012 on the file of the Subordinate Court, Ramanathapuram.

For Petitioner

: Mr.R.Janarthanan

For R-3

: Mr.M.Karuppasamy,
Government Advocate.

For R-1 & R-2

: No appearance.

C.R.P. (MD) No.1741 of 2018

The Executive Engineer/
Administrative Officer,
Tamil Nadu Housing Board,
Ramanathapuram.

... Petitioner/2nd Respondent/
Beneficiary

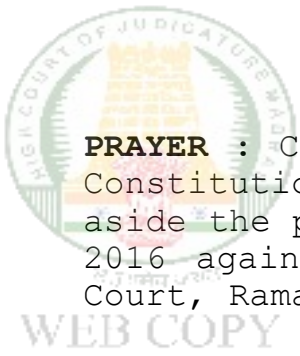
Vs.

1. Thangasamy

... Respondent/Petitioner/
Ex Land Owner

3. The Revenue Divisional Officer,
Ramanathapuram.

... Respondent/1st Respondent/
Respondent



PRAYER : Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision petition and set aside the petition and order dated 08.06.2018 passed in E.P.No.21 of 2016 against L.A.O.P.No.3 of 2014 on the file of the Subordinate Court, Ramanathapuram.

For Petitioner : Mr.R.Janarthanan

For R-2 : Mr.M.Karuppasamy,
Government Advocate.

For R-1 : Mr.M.S.Balasubramania Iyer

C O M M O N O R D E R

These Civil Revision petitions arise out of the execution proceedings initiated by the land owners. Contending that the award amount has not been deposited as per the terms of the award, the land owners sought attachment and the same was also ordered.

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.(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. Except 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 imposed in the Civil Revision petitions are set aside. The Civil Revision petitions stand allowed, accordingly.



4. The land owners shall file a revised calculation memo before the Court below. The executing Court shall see if the Housing Board has deposited the entire compensation amount as per the decree passed by the High Court in aforesaid first appeals. The entire exercise will be concluded within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AD II)

/True Copy/

Sub Assistant Registrar(CS I)

pmu

To

1. The Subordinate Judge,
Ramanathapuram.

2CC TO MR. S. JEYACHANDRAN, ADVOCATE SR 89334 AND 89333

2CC TO MR. R JANARTHANAN, ADVOCATE SR 89335 AND 89336

1CC TO THE SPL GOVT PLEADER SR 89439

DS SKN SAR 1

10 10 2018

3P 7C

C.R.P. (MD) Nos. 1740 & 1741 of 2018 and
C.M.P. (MD) Nos. 7526 & 7527 of 2018

08.10.2018