

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.11.2019

CORAM :

The HON'BLE MR.JUSTICE M.DURAI SWAMY

C.R.P.No.3423 of 2013
and M.P.No.1 of 2013

G.Jayaraman ... Petitioner/Respondent

Vs.

The Land Acquisition Officer -cum-
Revenue Divisional Officer,
Pollachi. ... Respondent/Petitioner/Respondent

Petition filed under Article 227 of the Constitution of India against the fair and decreetal order of the Subordinate Court, Pollachi dated 01.03.2013 in I.A.No.94 of 2011 in L.A.O.P.No.2 of 2002.

For Petitioner : Mr.T.Gowthaman

For Respondent : Mr.Dev Narendran, Government Advocate

O R D E R

Challenging the fair and final order passed in I.A.No.94 of 2011 in L.A.O.P.No.2 of 2002 on the file of the Subordinate Court, Pollachi, the claimant in L.A.O.P. has filed the above Civil Revision Petition.

2.It is not in dispute that the petitioner's land was acquired in the year 1991. On reference, the Reference Court had passed the Award fixing the compensation in L.A.O.P.No.2 of 2002. The Award passed by the Sub Court, Pollachi in L.A.O.P.No.2 of 2002 was challenged by the petitioner/claimant in A.S.No.416 of 2007 before this Court and this Court, by judgment and decree dated 10.08.2010, confirmed the Award passed by the Reference Court and dismissed the appeal. Thereafter, the petitioner filed an Execution Petition in E.P.No.94 of 2009. Subsequently, the respondent/ Land Acquisition Officer filed an application in I.A.No.94 of 2011 in L.A.O.P.No.2 of 2002 to condone the delay of 2340 days in filing the Review Application. In the affidavit filed in support of the petition, the respondent has stated that in the Award passed by the Reference Court in L.A.O.P.No.2 of 2002, the interest was wrongly calculated and therefore, the Award

should be reviewed.

3. When this Court had dismissed the appeal in A.S.No.416 of 2007 and confirmed the Award passed by the Reference Court, it is needless to say that the Award had merged with the judgment and decree passed in A.S.No.416 of 2007. The issue raised in the affidavit filed in support of I.A.No.94 of 2011 was not raised before this Court in the First Appeal. That apart, the respondent has not given sufficient reason for condoning the inordinate delay of 2340 days in filing the Review Application. The party seeking for condonation of delay should give sufficient reason for the delay.

4. In the judgment reported in (2015) 1 Supreme Court Cases 680 [H.Dohil Constructions Company Private Limited Vs. Nahar Exports Limited and another] the Hon'ble Supreme Court held that unless the party seeking for condonation of delay gives sufficient cause for the delay, the delay should not be condoned.

5. The ratio laid down by the Hon'ble Supreme Court squarely applies to the present case.

6. Following the ratio laid down by the Hon'ble Supreme Court, I am of the view that the Reference Court should not have condoned the inordinate delay of 2340 days which was filed without giving any acceptable reason. In these circumstances, the order passed by the Subordinate Court, Pollachi in I.A.No.94 of 2011 is liable to be set aside. Accordingly, the same is set aside. The Civil Revision Petition is allowed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CJ conf)

//True Copy//

Sub Assistant Registrar

va

To
The Subordinate Judge, Pollachi.

+1cc to Mr.T.Gowthaman, Advocate SR.98209
+1cc to Spl Government Pleader (C.S) SR.98113

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KJ (CO)
CB (17/12/2019)