

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Thirteenth day of September Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE R.SUBBIAH

AND

THE HON`BLE MRS JUSTICE T. KRISHNAVALLI

CMP No.251 of 2018
IN AS.NO.603 OF 2016

D.SIVARAM ALVA [PETITIONER]

Vs

1 UNION OF INDIA [RESPONDENTS]
REP BY THE SECRETARY TO GOVERNMENT (REV)
GOVERNMENT OF PONDICHERRY.

2 THE DEPUTY COLLECTOR (REV)
(NORTH) CUM LAND ACQUISITION OFFICER,
PONDICHERRY.

3 THE DEFENCE ESTATE OFFICER
DEFENCE ESTATES OFFICE, MADRAS CIRCLE,
306, ANNA SALAI, TEYNAMPET, CHENNAI- 600 018

4 V.KUMARAVELU
S/O LATE VEERAPPAN
NO.12, BHARATHY ST., PUDUCHERRY

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw amount a sum of RS.10,93,03,126/- (Rupees Ten Crore Ninety Three lakhs Three Thousand Hundred Twenty Six Only) with accrued interest deposited by the 3rd respondent/Appellant laying to the credit of LAOP.NO.5/2016 on the file of the Learned II Additional District Judge, Pondicherry, (in CMP.NO.251 OF 2018) pending disposal of the above AS.NO.603 OF 2016.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.R.SINGARAVELLAN, SENIOR COUNSEL FOR M/S.RAMYA, Advocate for the petitioner and of MR.G.RAJAGOPALAN, ASG, ASSISTED BY MR. C.V.RAMACHANDRA MOORTHY CGSC on behalf of the 1 TO 3 Respondents the court made the following

(Order of the Court was made by R.Subbiah.J,)

Appeal is filed by the appellants challenging the judgment rendered by Additional District Court, enhancing the compensation amount from Rs.39,09,093/- to Rs.19,59,04,210/- on various grounds. On the earlier occasion, when the matter came up before other Division Bench consisting of Hon'ble Mr.Justice M.Sathyanarayanan and Hon'ble Mr.Justice N.Seshasayee, an interim order was passed directing the appellants to deposit 25% of the total amount awarded and enhanced by the Additional District Court in LAOP No.5/2016. Accordingly, it is contended before this Court that the above 25% of the amount was deposited on the file of the II Additional District Court, Pondicherry and that interim order was complied with. Now the present petition has been filed by the land owners seeking to withdraw the above amount deposited as per the order of this Court.

2. Mr.G.Rajagopalan, learned Additional Solicitor General appearing for the appellants has seriously opposed the petition, urging that the land acquired by the appellants are of lesser value and the enhancement of award amount from Rs.39,09,093/- to Rs.19,59,04,210/- is exorbitant and excessive. Already, Rs.40,00,000/- as per the order of the Land Acquisition Officer was paid to the respondents/land owners. They are not entitled to receive any further amount.

3. Mr.R.Singaravelan, learned Senior Counsel, appearing for the land owners have contended that the land acquired by the appellants are more valuable and even as per the admission of the Land Acquisition Officer before the lower Court the lands are situated in prime locality. There are schools, Temples and residences in and around the lands and hence the amount enhanced by the Additional District Court is correct and it need not be interfered with. He has further requested that some of the persons entitled to the compensation amount have crossed 70 years of age and they have to see the money, atleast for their day to-day expenses and other medical expenses. Hence, he has prayed for withdrawal of the deposited amount on the file of the II Additional District Court, Pondicherry which is 25% of the total award amount by the Sub Court.

4. We have carefully considered the submissions made by both the learned Counsels. We of the view that the appeals have to be heard expeditiously to decide the issue as to whether the enhanced amount is in accordance with law or not. However pending disposal of the said appeal, the learned Senior Counsel appearing for the land owners has prayed for withdrawal of the deposit amount which comes to more than Rs.10 crores. The fact is that if they are permitted to withdraw the entire amount of Rs.10 crores deposited as per the order of this Court, there may not be any guarantee for refund in case of their failure in the appeals. However, Mr.R.Singaravelan, learned Senior Counsel has pointed out that the land acquired by the appellants is worth of Rs.80 crores and that by itself would be a sufficient security.

5. Without going into the merits of the contentions made by both side, we feel that the interest of justice would be met, if the land owners/respondents are allowed to withdraw Rs.1 crore from the amount deposited as per the order of this Court on the file of the II Additional District Court, Pondicherry. Mr.G.Rajagopalan, learned Additional Solicitor General has no serious objection for that. Hence we direct the II Additional District Court, Pondicherry to permit the land owners in this appeal to withdraw Rs.1,00,00,000/- (Rupees One Crore Only) from 25% of the total amount deposited before the II Additional District Court, Pondicherry, as per the order of this Court. The above amount shall be paid to the land owners in this appeal, within a period of two weeks from the date of receipt of a copy of this order.

6. List the appeal after two weeks "for final disposal".

-sd/-

13/09/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE II ADDITIONAL DISTRICT
JUDGE PUDUCHERRY.

C.C. to M/S.RAMYA Advocate on payment of necessary charges
The Government Advocate, High Court, Madras - 104.

Order

in

CMP No.251 of 2018
IN AS.NO.603 OF 2016

Date :13/09/2019

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