

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Twentieth day of February Two Thousand Nineteen

PRESENT

THE HON`BLE MR JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MR JUSTICE C. SARAVANAN

C.M.P.NOS.15334, 15336, 15338, 15340, 15342, 15344, 15346,
15348, 15350, 15352, 15354, 15356, 15358 AND 15360 OF 2018

IN A.S.NOS.579 TO 593 OF 2018

THE SPECIAL TAHSILDAR, [PETITIONER IN ALL THE PETITIONS]
LAND ACQUISITION UNIT-I,
AROMATIC COMPLEX MRL, SAIDPET, CHENNAI-15.

Vs

- 1 SANJAI M.MEHTA RESPONDENTS in CMP No.15334 of 2018
S/O.M.G.MEHTA NO.2 SOUNDARA MUDALI STREET
CHENNAI - 3.
- 2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18
- 1 SAGINA BEGAM RESPONDENTS in CMP No.15336 of 2018
W/O.A.M.HUSSAIN NO.6 THAYASAHIP STREET
2ND LANE MUNT ROAD CHENNAI -2.
- 2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18
- 1 MALLIGA RESPONDENTS in CMP No.15338 of 2018
W/O. PERUMAL DR ANSARI CROSS ST
PULIANTHOPPU HIGH ROAD CH-12
- 2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18
- 1 SANJAI M.METHA RESPONDENTS in CMP No.15340 of 2018
S/O M.G.METHA NO.2 SOUNDARA MUDALI ST.
CHENNAI - 3

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 GOVINDARAJ RESPONDENT in CMP No.15342 of 2018
S/O VELU NAICKER AMULLAVOYAL VILLAGE
CHENNAI - 103

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 M/S. SANCO CONTRONTS PVT LTD RESPONDENTS in CMP No.15344/18
(RENAMED SUDHARSA LOGISTICS PVT. LTD.)
NO.46 MOORE ST. CHENNAI 1

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 SANCO CONTRONTS PVT.LTD. RESPONDENTS in CMP No.15346 of 2018
46 MOORE STREET CHENNAI.

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 RAJ LUBRICANTS PVT.LTD. RESPONDENTS in CMP No.15348 of 2018
NOW RENAMED AS RAJ PETRO SPECIALITIES PVT.
LTD. NO.73/1B VAIKKADU VILLAGE AMBATHUR
TALUK MANALI CHENNAI.

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 RAJ LUBRICANTS PVT.LTD. RESPONDENTS in CMP No.15350 of 2018
NOW RENAMED AS RAJ PETRO SPECIALITIES PVT.
LTD. NO.73/1B VAIKKADU VILLAGE AMBATHUR
TALUK MANALI CHENNAI.

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 TMT.THENNARASI RESPONDENTS in CMP No.15352 of 2018
W/O PALANISAMY ALL ARE RESIDING AT OLD 41/7
NEW 31-A DR.AMBEDKAR NAGAR MANALI
CHENNAI-68

2 HIRUBALAN
S/O PALANISAMY

3 NAVEEN JAYA
D/O PALANISAMY

4 JOSEPIN LAURA
D/O PALANISAMY

5 MARIYASAM
D/O PALANISAMY

6 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 TMT.UMA RESPONDENTS in CMP No.15354 of 2018
W/O JAYARAMAN CHINNA SEKKADU VILLAGE
MANALI CHENNAI-68

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 DHANAPAL RESPONDENTS in CMP No.15356 of 2018
S/O ELUMMALAI NO.41/12 CHINNAMANNU STREET
PERIYATHOPPU MANALI CHENNAI-68

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 AJEETHKUMAR BANDARI RESPONDENTS in CMP No.15358 of 2018
MINT ST CHENNAI-79

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED TEYNAMPET
CH-18

1 SANJAY MEHTHA RESPONDENTS in CMP No.15360 of 2018
NO. 60 EVK SAMPATH SALAI CH-07

2 THE COMPANY SECRETARY
THE MADRAS REFINERIES LIMITED
TEYNAMPET, CHENNAI-18

Petition praying that in the circumstances stated therein
and in the affidavit filed therewith the High Court will be pleased
to

1. CMP No.15334 of 2018

To stay the execution of the decree and Judgment dated
14/11/2017 made in LAOP.NO.1343/1998 on the file of the Sub Court ,
Ponneri and pending disposal of the First Appeal.

2. CMP No.15336 of 2018

To stay the execution of the decree and Judgment dated 14/11/2017 made in LAOP.NO.1459/1998 on the file of the Sub Court , Ponneri and pending disposal of the Frist Appeal.

3. CMP No.15338 of 2018

To stay the execution of the decree and judgment dt 14/11/2017 made in LAOP No.1460/1998 on the file of the Sub Court Ponneri and pending disposal of the First appeal.

4. CMP No.15340 of 2018

To stay the execution of the decree and Judgment dated 14.11.2017 made in LAOP No.1621/1998 dated 14.11.2017 on the file of the Subordinate court, Ponneri.

5. CMP No.15342 of 2018

To stay the execution of the decree and judgement dated 14.11.2017 made in LAOP No.1684/1998 on the file of the Sub Court Ponneri and pending disposal of the First Appeal

6. CMP No.15344 of 2018

To stay the execution of the decree and judgement dated 14.11.017 made in LAOP No.46/2017 on the file of the Sub Court, Ponneri and pending disposal of the First appeal

7. CMP No.15346 of 2018

To stay the execution of the decree and Judgement dated 14.11.2017 made in LAOP No.47 of 2017 on the file of the Sub Court, Ponneri and pending disposal of the First appeal and thus render justice.

8. CMP No.15348 of 2018

To stay the execution of the decree and Judgement dated 14.11.2017 made in LAOP No.48 of 2017 on the file of the Sub Court, Ponneri and pending disposal of the First appeal and thus render justice.

9. CMP No.15350 of 2018

To stay the execution of the decree and Judgement dated 14.11.2017 made in LAOP No.49 of 2017 on the file of the Sub Court, Ponneri and pending disposal of the First appeal and thus render justice.

10. CMP No.15352 of 2018

To stay the execution of the decree and judgement dt. 14/11/2017 made in LAOP.No.50/2017 on the file of the Sub court, Ponneri and pending disposal of the first appeal.

11. CMP No.15354 of 2018

To stay the execution of the decree and judgement dt. 14/11/2017 made in LAOP.No.51/2017 on the file of the SUB Court Ponneri and Pending disposal of the First appeal.

12. CMP No.15356 of 2018

To stay the execution of the decree and judgement dt. 14/11/2017 made in LAOP.No.52/2017 on the file of the sub court, Ponneri and pending disposal of the first appeal.

13. CMP No.15358 of 2018

To stay the execution of the decree and judgment dt 14/11/2017 made in LAOP No.53/2017 on the file of the Sub Court Ponneri and pending disposal of the First appeal.

14.CMP No.15360 of 2018

To stay the execution of the decree and judgment dt 14/11/2017 made in LAOP No.59/2017 on the file of the Sub Court Ponneri and pending disposal of the First appeal.

Order : These petitions coming on for orders upon perusing the petitions and the respective affidavits filed in support thereof and upon hearing the arguments of M/S.J.BALAGOPAL Special Government Pleader for the petitioner and of M/S.V.CHANDRAKANTHAN Advocate(Caveator) for the 1st respondent and MR. M.S.KRISHNAN, SENIOR COUNSEL FOR MR. ARJUN SURESH Advocate for the 2nd respondent the court made the following order:-

(Order of the Court was made by **M.M.SUNDRESH, J.**)

Considering the common issue involved in all these petitions, they have been taken up together and disposed of by common order.

2.All these appeals have been preferred by the requisitioning body, challenging the award passed by the Reference Court. Learned senior counsel appearing for the second respondent would submit that the Reference Court committed an error in relying upon the document, which was not even relied upon. It is further submitted that settlements have been arrived at with scores of other land owners.

3.Learned counsel appearing for the claimants would submit that it is not as if the huge enhancement has been made by the Reference Court. The Reference Court has taken into consideration the solatium and interest. Therefore, there is no need to modify the earlier order passed.

4.The earlier order was passed exparte. From the submissions made by the learned senior counsel for the requisitioning body, it is clear that the settlements have been arrived at with the number of other claimants and therefore, for the purpose of interim order, we deem it appropriate to direct the requisitioning body to deposit the amount on the same terms as indicated earlier. We make it clear that the amount in the settlements will have to be taken into consideration for the purpose of disposing all these petitions.

5. Accordingly, the higher of the amount settled in the settlements will have to be deposited by the requisitioning body in all the cases to the credit of L.A.O.P.Nos.1634, 1343, 1459, 1460, 1621 and 1684 of 1998, 46, 47, 48, 49, 50, 51, 52, 53 and 59 of 2017 on the file of Sub Court, Ponneri within a period of six weeks from the date of receipt of a copy of this order. On such deposit, the first respondent(s)/claimants are permitted to withdraw the same without furnishing any security.

6. Considering the limited issue involved, we deem it appropriate to post the appeals for hearing on 08.04.2019 at 2.15 p.m. In the meanwhile, the parties are directed to make the papers ready. Registry is directed to call for the records from the Reference Court and make the pleadings ready.

-sd/-
20/02/2019
/ TRUE COPY /

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

TO

1 THE SUBORDINATE JUDGE,
PONNERI.

2 THE SECTION OFFICER,
VR SECTION, HIGH COURT, CHENNAI.

3 THE SECTION OFFICER,
T & P SECTION, HIGH COURT, CHENNAI.

C.C. TO M/S.V.CHANDRAKANTHAN ADVOCATE SR.NO.2561

The Special Government pleader, High Court, Madras - 104.
SR.NO.2538

Order
in
C.M.P.NOS.15334, 15336, 15338,
15340, 15342, 15344, 15346,
15348, 15350, 15352, 15354,
15356, 15358 AND 15360 OF 2018
IN A.S.NOS.579 TO 593 OF 2018
Date :20/02/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
SDR 18.12.2018 (IT)
VC (08/03/2019)