

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Twenty Sixth day of April Two Thousand Nineteen

PRESENT

THE HON`BLE MR.JUSTICE M.M.SUNDRESH

AND

THE HON`BLE MR.JUSTICE C.SARAVANAN

CMP Nos.19884 & 19887 of 2018

and AS Nos.708 and 712 of 2018

THE LAND ACQUISITION OFFICER [PETITIONER IN BOTH
CUM, THE COLLECTOR, THE PETITIONS]
SOUTHERN SECTOR OF INNER
ROAD SCHEME, MAMBALAM, GUINDY TALUK,
CHENNAI COLLECTORATE, CHENNAI-01.

Vs

C.R.SELVARAJ [RESPONDENT IN CMP.19884/2018]

C.N.MANOCHARAN [RESPONDENT IN CMP.19887/2018]

Petitions praying that in these circumstances stated therein and in the respective affidavits filed therewith the High Court will be pleased to

(1)stay the execution of the decree dt. 19.04.2017 in LAOP No. 35/2014 on the file of the Hon'ble VI Asst.City Civil Court, Chennai (in CMP.19884/2018)and

(2)stay the execution of the decree dt. 19.04.2017 in LAOP No. 26/2014 on the file of the Hon'ble VI Asst.City Civil Court, Chennai (in CMP.19884/2018) respectively pending AS Nos.708 & 712 of 2018.

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 MR.BALAGOPAL SPL GOVT PLEADER(AS), for the petitioner in both the petitions and of MR.A.BABU Advocate for the respondent in each of the petitions the court made the following order:-

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

Mr.A.Babu, learned counsel takes notice for the respondents/claimants.

passed by the Reference Court wherein enhancement has been made from Rs.102/- per sq.ft. to Rs.2,000/- per sq.ft.

3.Learned Special Government Pleader appearing for the petitioner submits that enhancement made is very high. There are documents relied upon by them and the same have not been taken into consideration properly by the Reference Court.

4.Learned counsel appearing for the respondents/claimants submits that the Reference Court took into consideration the documents, which indicated the higher value and therefore, such a methodology adopted cannot be questioned. The issue raised will have to be decided in the appeal. As of now, the respondents/claimants got an award in their favour.

5.In such view of the matter, in order to balance the interest of both sides, there shall be an order of interim stay on condition that the petitioner deposits 1/3rd of the enhanced amount ordered by the Reference Court to the credit of L.A.O.P.Nos.35 of 2014 and 26 of 2014 respectively on the file of the VI Assistant City Civil Court, Chennai, within a period of eight weeks from the date of receipt of a copy of this order. On such deposit, the respondents/claimants are permitted to withdraw the amount deposited. It is made clear that this order is passed without prejudice to the contentions of the parties in the main appeals and therefore subject to the final orders to be passed in the appeals.

6.With the above direction, these miscellaneous petitions stand disposed of.

-sd/-

26/04/2019

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

TO

1 THE REGISTRAR
CITY CIVIL COURT, CHENNAI-104.

The Special Government Pleader, High Court, Madras - 104.

Order

in

CMP.19884 & 19887/2018

in AS Nos.708 & 712/2018

Date :26/04/2019

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