

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.19870, 19873, 19881, 19883, 19893 and 21837 of 2018

in AS.Nos.706, 707 and 709 to 711 and 713 of 2018

THE LAND ACQUISITION OFFICER PETITIONER IN CMP.19870, 19873,
CUM, THE COLLECTOR, SOUTHERN SECTOR 19881, 19893, 21837/18]
INNER RING ROAD SCHEME, MAMABALAM,
GUINDY TK, CHENNAI COLLECTORATE
CHENNAI-1.

THE DISTRICT COLLECTOR CUM 1 & 2 PETITIONERS in CMP.
LAND ACQUISITION OFFICER SOUTHERN No.19893/2018
SECTOR OF INNER ROAD SCHEME PHASE II
COLLECTOR OFFICE
SINGARAVELAR MALIGAI CH-01

2 THE SPECIAL TAHSILDAR (LAND ACQUISITION)
SOUTHERN SECTOR OF INNER ROAD
SCHEME PHASE II COLLECTOR OFFICE
SINGARAVELAR MALIGAI CH-01

सत्यमेव जयते
Vs

THIRU.C.C.NARENDRAN ... RESPONDENT in CMP No.19870 of 2018
S/O. C.K CHANDRACHUDAN LATE AT N.NO.5/572
SATHSANGAM ST MADIPAKKAM CHENNAI-41

THIRU.SAIRAM RESPONDENT in CMP No.19873 of 2018
S/O. E.M. SANKARANARAYAVARMA AT NO.10/18
CHOKKALINGAM NAGAR TEYNAMPET CHENNAI

TMT.DAISY METHEW ... RESPONDENT in CMP No.19881 of 2018
W/O METHEW C.ALUMKAL CHRISTIAN NO.SKT 63
(T.C.9/2009) THAMAAI KULA LANE
SANTHAMANGLAAM THIRUVANANTHAPURAM KERALA

TMT.HEMAVATHY RAMACHANDRAN... RESPONDENT in CMP No.19883 of 2018
C/O. C.R.SRINIVASAN AT NO.92/1
JAYAVINAYAGAR KOIL ST CHETPET CHENNAI

N.PARTHASARATHY ... RESPONDENT in CMP No.19893 of 2018
S/O. LATE CHITTY BABU REP BY HIS NATURAL
MOTHER AND REGISTERED GENERAL POWER OF
ATTORNEY NAMELY TMT N.KALYANI W/O.LATE
CHITTI BABU NEW NO.10 AND 12, OLD NO.15 & 16
JAGATHESWARAN STREET, T.NAGAR, CHENNAI-17.

T.RAGHAVAN ... RESPONDENT in CMP No.21837 of 2018
S/O RANGASAMY RESIDING AT OLD NO.23/4
NEW NO.48/4 POSTAL COLONY FIRST STREET
WEST MAMBALAM CHENNAI-600033

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

1 CMP No.19870 of 2018
To stay the execution of the decree dt 19.04.2017 in
LAOP.No.14/2014 on the file of the Honble VI Asst City Civil
Court Chennai

2 CMP No.19873 of 2018
To stay the execution of the decree dt 19.04.2017 in
LAOP.No.20/2014 on the file of the Honble VI Asst City Civil
Court Chennai

3 CMP No.19881 of 2018
To stay the execution of the decree dated 19.04.2017 in
LAOP.NO.53 of 2014 on the file of the Honble VI Asst City Civil
Court Chennai

4 CMP No.19883 of 2018
To stay the execution of the decree dt 19.04.2017 in
LAOP.No.18/2014 on the file of the Honble VI Asst City Civil
Court Chennai

5 CMP No.19893 of 2018
to stay the execution of the decree dt.19.04.2017 in
LAOP.No.21/2014 on the file of the Honble VI Asst City Civil
Court Chennai

6 CMP No.21837 of 2018
To stay the execution of the judgment and decree dt. 19.04.2017
in LAOP.No.66/2014 on the file of the Honble VI Asst City Civil
Court Chennai

Order: These petitions coming on for orders upon perusing
the petition and the respective affidavits filed in support
thereof and upon hearing the arguments of M/S.BALAGOPAL, Special
Government Pleader on behalf of the petitioner in all the
petitions and of M/S.A.BABU, Advocate for the respondent in all
the petitions on behalf of the Respondents 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.

2.These petitions have been filed seeking stay of the award 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.14, 20, 66, 53, 18 and 21 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

/ TRUE COPY /

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

TO

1 THE REGISTRAR,
CITY CIVIL COURT, CHENNAI.

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

Order

in

CMP.Nos.19870, 19873, 19881, 19883, 19893 and 21837 of 2018 in
AS.Nos.706, 707 and 709 to 711 and 713 of 2018

Date :26/04/2019

From 26.2.2001 the Registry is issuing certified
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KP(02/05/2019)



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