

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

C.M.P.Nos.21016, 21017, 21843, 21847, 21850,
21852, 21855 and 21858 of 2018
IN A.S.Nos.759, 760, 829 to 834 of 2018

THE LAND ACQUISITION OFFICER [PETITIONER IN ALL THE PETITIONS]
CUM THE COLLECTOR, SOUTHERN SECTOR INNER
ROAD, SCHEME, MAMABALAM GUINDY TK,
CHENNAI COLLECTORATE CHENNAI-1

Vs

TMT.THIRUKUDASUDARI ... RESPONDENT in CMP No.21016 of 2018
IN A.S.Nos.759 OF 2018

THIRU.G.RAMACHANDRAN ... RESPONDENT in CMP No.21017 of 2018
IN A.S.Nos.760 OF 2018

TMT.SARASWATHY ... RESPONDENT in CMP No.21843 of 2018
IN A.S.Nos.829 OF 2018

TMT.ISABELLA ... RESPONDENT in CMP No.21847 of 2018
IN A.S.Nos.830 OF 2018

THIRU.C.R.SRINIVASAN ... RESPONDENT in CMP No.21850 of 2018
IN A.S.Nos.831 OF 2018

THIRU.S.MARIAPPAN ... RESPONDENT in CMP No.21852 of 2018
IN A.S.Nos.832 OF 2018

THIRU. PACKRISAMY ... RESPONDENT in CMP No.21855 of 2018
IN A.S.Nos.833 OF 2018

THIRU. A.S.CHELLAMUTHU ... RESPONDENT in CMP No.21858 of 2018
IN A.S.Nos.834 OF 2018

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

A(I) CMP No.21016 of 2018

To stay the execution of the judgement and decree dated 19-04-2017 in LAOP NO.12 of 2014 on the file of the Honble VI Assistant City Civil Court Chennai and pending disposal of the above First Appeal

(II) CMP No.21017 of 2018

To stay the execution of the judgement and decree dated 19-04-2017 in LAOP NO.5 of 2014 on the file of the Honble VI Assistant City Civil Court Chennai and pending disposal of the above appeal

(III) CMP No.21843 of 2018

To stay the execution of the judgement and decree dt. 19-04-2017 in LAOP No.44/2014 on the file of the Honble VI Asst. City civil court, Chennai and pending disposal of the above Appeal.

(IV) CMP No.21847 of 2018

To stay the execution of the judgement and decree dated 19/04/2017 in LAOP No.63/2014 on the file of the Honble VI Asst. City Civil Court Chennai and pending disposal of the above First Appeal.

(V) CMP No.21850 of 2018

To stay the execution of the judgement and decree dt. 19-04-2017 in LAOP No.32/2014 on the file of the Honble VI Asst. City Civil Court Chennai and pending disposal of the above appeal.

(VI) CMP No.21852 of 2018

To stay the execution of the judgement and decree dated 19/04/2017 in LAOP No.31/2014 on the file of the Honble VI Asst. City Civil Court Chennai and pending disposal of the above First Appeal.

(VII) CMP No.21855 of 2018

To stay the execution of the judgement and decree dated 19-04-2017 in LAOP No.28 of 2014 on the file of the Honble VI Asst. City Civil Court Chennai and pending disposal of the above appeal.

(VIII) CMP No.21858 of 2018

To stay the execution of the judgement and decree dated 19/04/2017 in LAOP No.33/2014 on the file of the Honble VI Asst. City Civil Court Chennai and pending disposal of the above 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 MR.BALA GOPAL, SPL GOVT PLEADER(AS), for the petitioner in all the petitions and of MR.A.BABU, Advocate 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.32, 5, 44, 63, 32, 31, 63 and 33 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 AT CHENNAI.

C.C. to the MR.A.C.KUMARAGURUBARAN Advocate SR.NO.6122

Order

in

C.M.P.Nos.21016, 21017, 21843, 21847, 21850,
21852, 21855 and 21858 of 2018
IN A.S.Nos.759, 760, 829 to 834 of 2018

Date :26/04/2019

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VC (02/05/2019)

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