



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.12.2019

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THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

C.R.P. (NPD) (MD) No.12 of 2007

and

M.P(MD) No.1 of 2007

WEB COPY

The Special Thasildar (ADW)
Cheranmahadevi,
Ambasamudram Taluk.

... Land Acquisition Officer

-Vs-

1.Selva Arasu (Died)
2.Kannammal
3.Poonkodi
4.Mathivanan
5.Porgodi
6.Vanjikodi
7.Nithivanan

... Claimant

(Respondents 2 to 9 are brought on record as Lrs of deceased sole respondent, vide order dated 15.10.2019 in CMP No.386 to 388 of 2018 in CRP No.12 of 2007)

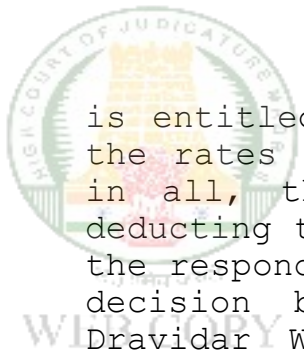
Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India to set aside the Judgment and decree passed in C.M.A.No.30 of 1993 dated 06.11.2001 by the Sub Court, Ambasamudram and allow this Civil Revision Petition.

For Petitioner : Mr.N.Shanmugaselvam, AGP
For Respondents : Mr.K.P.Narayanakumar

O R D E R

This Civil Revision Petition has been filed challenging the award made by the Sub Court, Ambasamudram in a reference made under Section 18 of the Land Acquisition Act, 1894 in L.A.O.P.No.30 of 1993. An extent of 1 acre 5 cents belonging to the respondent was acquired under the Central Act, namely, Act 1 of 1894 for the purpose of providing house-sites to the Harijans. An award came to be passed on 15.07.1991 granting a compensation of Rs.12,243/- for 1 acre 5 cents acquired from the respondent.

2. Aggrieved, the respondent sought for a reference. A reference was made under Section 18 of the Land Acquisition Act 1 of 1894, which came to be decided on 6th November, 2001. The reference Court/Sub Court, Amabsamudram enhanced the compensation and awarded a sum of Rs.697/- per cent. The enhanced compensation works out to Rs.73,185/-. The Sub Court also found that the claimant/respondent



is entitled to 30% solatium, 12% additional amount and interest at the rates specified under the Land Acquisition Act, 1/1894. Thus, in all, the compensation works out to Rs.1,06,280/-. After deducting the compensation already paid, the award amount payable to the respondent was determined at Rs.94,037/-. Aggrieved by the said decision by the reference Court, the Special Tahsildar, (Adi Dravidar Welfare), Cheranmahadevi, has come up with this Civil Revision Petition.

3. Since the original land owner Selva Arasu died pending revision, his legal representatives have been brought on record as respondents 2 to 7. It is surprising that the Civil Revision Petition has been filed against the award made under Section 18 of the Land Acquisition Act, 1894. As per Section 54 of the Land Acquisition Act, 1/1984, an appeal would lie to the High Court against the award made by the Sub Court in reference under Section 18. No Civil Revision Petition is contemplated under the said Act. Even in a case arising under Tamil Nadu Acquisition of land for Harijan Welfare Schemes Act, 1978, an appeal is provided for under Section 9 of the said Act against the award of the competent authority and further second appeal is provided where the compensation awarded is more than Rs.50,000/-. It should be pointed out that the provisions of the Tamil Nadu Act, 39 of 1978, namely, the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act will not stand attracted inasmuch as the acquisition of land was under the Land Acquisition Act 1894. Therefore, it is clear that the Civil Revision Petition is not maintainable and hence, the same is dismissed as not maintainable. However, there will be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Sub Court,
Ambasamudram.

2. The Record Keeper, V.R.Section, (2C)
Madurai Bench of Madras High Court, Madurai.

+1CC TO M/S.K.P.NARAYANAKUMAR, ADVOCATE, SR NO.105162

C.R.P. (NPD) (MD) No.12 of 2007

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