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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:10.07.2019

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

C.R.P. (MD)No.70 of 2019

and

C.M.P.No.359 of 2019

and

Rev.Aplc (MD)Nos.195 and 196 of 2018

In C.R.P. (MD)No.70 of 2019

The Executive Engineer and
Administrative Officer,
Tamil Nadu Housing Board,
Ramanthapuram.

... Petitioner

Vs.

1.Kottaisamy
2.Kattu Rani
3.Sumathi

... Respondents

PRAYER: Petition filed under Section 227 of Constitution of India, to allow this civil revision petition and set aside the petition and order dated 07.12.2018 passed in E.P.No.24 of 2011 in L.A.O.P.No.13 of 2002 on the file of the Sub court, Ramanathapuram.

For Petitioner : Mr.R.Jananarthanan

For Respondents : Mr.V.Meenakshi Sundaram
for Mr.D.Nallathambi

In Review Application (MD)No.195 of 2018

A.Abulzameen

... Petitioner

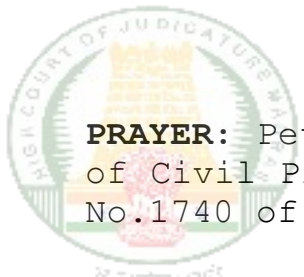
Vs.

1.The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

3.A.Sirajudeen

... Respondents



PRAYER: Petition filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code, as against the order passed in C.R.P.(MD) No.1740 of 2018, dated 08.10.2018.

Prayer in CRP(MD). 1740/ 2018 :

Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition and set aside the petition and Order dated 08.06.2018 passed in E.P.No.8 / 2016 against L.A.O.P.No.2/2012 on file of the Subordinate Court, Ramanathapuram and thus render justice.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.S.Jeyachandran

For R1 : Mr.R.Janarthanan
For R2 : Mr.M.Rajarajan
Government Advocate

For R3 : No appearance

In Review Application (MD)No.196 of 2018

Thangasamy ... Petitioner

Vs.

1.The Executive Engineer/Administrative Officer,
Tamil Nadu Housing Board,
Ramanathapuram.

2.The Revenue Divisional Officer,
Ramanathapuram.

... Respondents

PRAYER: Petition filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code, as against the order passed in C.R.P.(MD) No.1741 of 2018, dated 08.10.2018.

Prayer in CRP(MD). 1741/ 2018 :

Civil Revision Petition is filed under Article 227 of the Constitution of India, to allow this Civil Revision Petition and set aside the petition and order dated 08/06/2018 passed in E.P.No.21/2016 against L.A.O.P.No.3/2014 on the file of the Subordinate Court, Ramanathapuram and thus render justice.

For Petitioner : Mr.V.Meenakshi Sundaram
for Mr.S.Jeyachandran

For R1 : Mr.R.Janarthanan
For R2 : Mr.M.Rajarajan
Government Advocate

**COMMON ORDER**

The Executive Officer/Administrative Officer, Tamilnadu Housing Board, Ramanathapuram, filed C.R.P.(MD)Nos.1740 and 1741 of 2018, challenging the orders made in Execution Petition for enforcing the land acquisition awards. The only question that arose for consideration before this court was which should be the reckoning date for computing the interest.

2.The learned Standing Counsel appearing for the Housing Board drew my attention to the Judgment and decree, dated 28.04,.2010 made in A.S.(MD)Nos.35 and 120 of 2010, in which, it was held that the 4(1) Notification was published on 05.04.1994 and not 16.03.1994 and that, therefore, interest will have to be paid only from 05.04.1994. This Court following the said Judgment and Decree dated 28.04.2010 allowed the C.R.Ps. filed by the Tamilnadu Housing Board. This Court directed the land owners to file a revised calculation memo in accordance with the said Judgment and Decree made in A.S.(MD)Nos.35 and 120 of 2010. The order dated 08.10.2018 passed by me in the aforesaid C.R.Ps is now sought to be reviewed at the instance of the erstwhile land owners.

3.The learned counsel appearing for the review petitioner pointed out that in this case, the gazette publication was made on 16.03.1994 and the locality publication was made on 05.04.1994. He drew my attention to the decision of the Hon'ble Supreme Court of India reported in 2011 9SCC 207, in which, it was authoritatively laid down that the date of publication in the gazette will be the reckoning date for calculating the interest and not the date of locality publication. In this case, it is beyond dispute that 16.03.1994 was the date of gazette publication.

4.The learned counsel further drew my attention to the order dated 28.06.2017 made in M.P.(MD)Nos.1 of 2014 etc. batch in A.S.(MD)Nos.114 and 330 of 2004 etc.. batch. The learned Judge had recalled the earlier order dated 23.06.2017, in which, it was directed that interest will have to be paid from 05.04.1994 and not from 16.03.1994. It is relevant to mention here that the case on hand is also covered by the very same notification which was the subject matter of the order dated 28.06.2017 in M.P.(MD) Nos.1 of 2014 etc. batch in A.S.(MD)Nos.114 and 330 of 2004 etc.. batch.

5.Respectfully following the aforesaid order dated 28.06.2017 and the decision laid down in the Hon'ble Supreme Court, I have to necessarily review the order passed in C.R.P.(MD)Nos.1740 and 1741 of 2018. The said order stands set aside. The review application stands allowed and the Civil Revision Petitions filed by Housing Board stand dismissed. In view of the order made in the Review



application (MD) Nos.195 and 196 of 2018, C.R.P.(MD)No.70 of 2019 is dismissed. Consequently, connected miscellaneous petition is closed.

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Sd/-

Assistant Registrar (C.O)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Revenue Divisional Officer,
Ramanathapuram.

2.The Sub Judge, Ramanathapuram.

+4 CC to Mr.S.Jeyachandran, Advocate SR Nos.74404 & 74403
+2 CC TO Mr.R.Janarthanan , ADVOCATE IN SR No.74393.
+2 CC to Mr.D.Nallathambi, Advocate SR No.74405.

**C.R.P. (MD)No.70 of 2019
and**

**C.M.P.No.359 of 2019
and**

**Rev.Applc (MD) Nos.195 and 196 of 2018
10.07.2019**

CS (05.08.2019) 4P 10C