

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgment Reserved on : 19.02.2020
Judgment Pronounced on : 19.06.2020

CORAM:

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

C.R.P.No.1378 of 2011
and
M.P.No.1 of 2011

The Special Tahsildar (LA)
Tamil Nadu Housing Board,
Nandanam, Chennai-35. ... Petitioner/Judgment Debtor

Vs.

Gomathi ... Respondent/Decree Holder

Prayer: This Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure, 1906, against the order and decretal order dated 27.09.2007 made in E.P.No.9 of 1990 in L.A.O.P.No.6 of 1983 on the file of City Civil Court at Chennai (VI-Assistant Judge).

For Petitioner : Mr. S.Jaganathan
Government Advocate (C.S)

For Respondent : No appearance

ORDER

This revision petition is filed by the Government challenging the order passed E.P.No.9 of 1990 for the execution of award passed in L.A.O.P.No.6 of 1983 which was confirmed in A.S.No.706 of 1984 dated 26.07.1987. In and by the impugned order the Execution Court has ordered for the attachment of amount lying in the treasury and hence this revision.

2. The respondent's land was acquired in the year 1982 and subsequently award was also passed on 31.08.1982 and subsequently award was also passed on 31.08.1982 fixing the land value as Rs.430/- per cent. However, not satisfied with the same, the respondent filed LAOP.No.6 of 1983 on the file of the learned Sub Judge, Chengelpet, in which the trial Court enhanced the compensation from Rs.430/- to 781/- per cent. Aggrieved by the same, the department has filed appeal in A.S.No.706 of 1984 before this High Court and the same was disposed by this Court directing the petitioner to pay 30% solatium and 9% interest

from the date of taking over the possession. The respondent filed E.P.No.9 of 1990 calculating under various heads, especially calculating interest on 30% solatium from the date of acquisition and 12% additional market value from the date of 4(1) notification. None of the above two claims is justifiable the City Civil Court, Chennai (VI-Assistant Judge) in its order, dated 27.09.2007, in E.P.No.9 of 1990 in LAOP.No.6 of 1983 has directed attachment of the petitioner's property. The memo of calculation filed by the respondent is totally erroneous, as the respondent is not entitled for the interest on 30% of solatium as awarded by the Court in A.S.No.706 and 707 of 1984.

3. Heard the learned Government Advocate(CS) appearing for the petitioner and perused the records.

4. It is seen from the records that execution petition has been filed for realisation of the amount to the tune of Rs.2,53,171.31/-. After perusing the calculation memo and payment already made by the Special Tahsildar (Land Acquisition), the balance of the amount to be paid is Rs.2,53,171.31/-.

5. The learned Government Advocate(CS) appearing for the Government would submit that the amount of Rs.4,58,515/- was paid by cheque on 27.02.1992. However, it appears that no further payment has been made. Consequently, the Execution Court has ordered attachment. In the absence of any claim and in the absence of any proof of payment of amount as per calculation memo filed by the respective parties, the trial Court taking into consideration the memo of calculation filed by both the parties has correctly ordered for attachment in respect of balance of the amount to be paid. Such an order passed by the Execution Court is sustainable in law and does not warrant any interference.

6. In this view of the matter, this Civil Revision Petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-IV)

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Sub Assistant Registrar

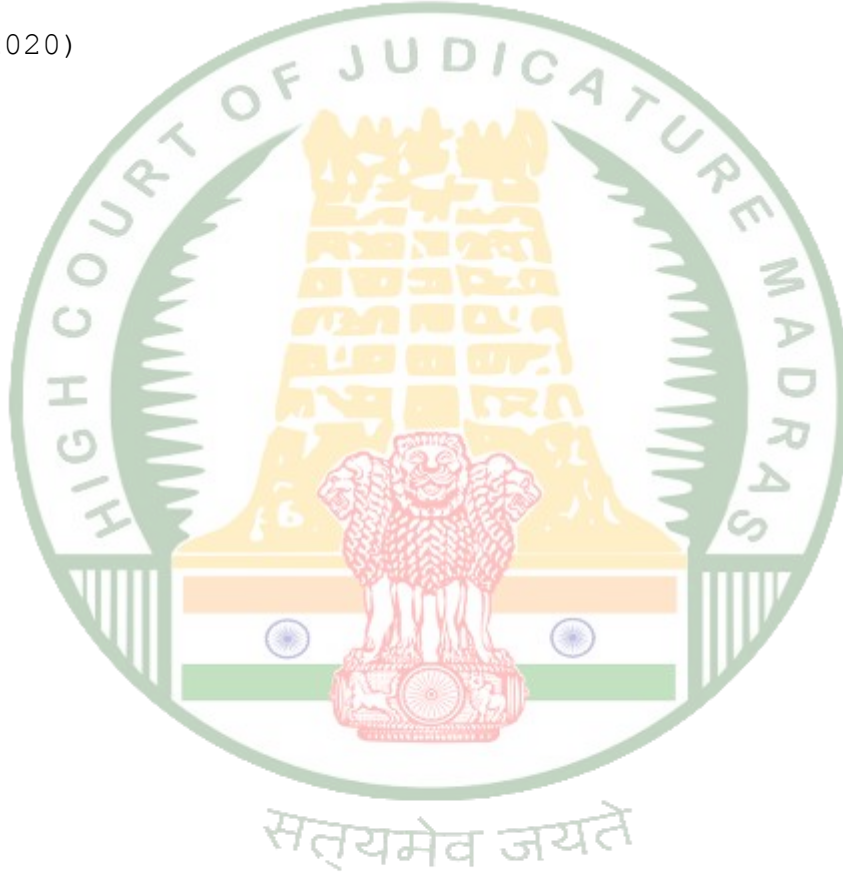
PJL

To

1. The VI-Assistant Judge,
City Civil Court,
Chennai.
2. The Section Officer,
Vernacular Records,
Madras High Court,
Madras.

C.R.P.No.1378 of 2011

RSV(CO)
GN(30/07/2020)



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