

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Monday, the Fourteenth day of December Two Thousand Twenty

PRESENT

The Hon`ble Mr Justice R.SUBBIAH

and

The Hon`ble Mr Justice C. SARAVANAN

CMP No.13693 of 2020

in AS NO.741 OF 2018

DR.P.RAJENDRAN

[PETITIONER]

Vs

1 THE SPECIAL TAHSILDAR [RESPONDENTS]
LAND ACQUISITION, NO.4, SIPCOT
(NAGARJUNA OIL CORPORATION LIMITED), CUDDALORE.

2 THE CHAIRMAN AND MANAGING DIRECTOR,
STATE INDUSTRIES PROMOTION
CORPORATION OF TAMILNADU LIMITED, NO.19A
RUKMANI LAKSHMIPATHY ROAD, POST BOX NO.7223,
EGMORE, CHENNAI-600008

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioner to withdraw the entire 50 percent deposited decree amount along with accrued interest in LAOP No.523/2013 on the file of the Special Sub Court for LAOP Cases, Cuddalore(CMP.13693/2020) IN AS.741/2018

Order : This petition coming on this day for hearing upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.D.VEERASEKARAN, Advocate for the petitioner and of MR.J.BALAGOPAL, SPECIAL GOVERNMENT PLEADER on behalf of the Respondent 1 the court made the following order:-

(The Order of the Court was made by R.Subbiah, J)

The present C.M.P. is filed by the claimant in the land acquisition proceedings, seeking permission of this Court to withdraw the entire 50% of the amount deposited being the decretal amount, along with accrued interest, in L.A.O.P.No.523 of 2013 on the file of the Special Sub-Court for LAOP cases, Cuddalore.

2. As against the order passed in the said L.A.O.P., enhancing the compensation, etc., in favour of the claimant, the present First Appeal is filed by the Special Tahsildar, Land Acquisition, SIPCOT (Nagarjuna Oil Corporation Limited), Cuddalore.

3. While the First Appeal came up for hearing, on 30.11.2018, this Court granted an order of interim stay in C.M.P.No.20500 of 2018 in A.S.No.741 of 2018 on condition that the appellant (Special Tahsildar) shall deposit 50% of the decretal amount within a period of eight weeks from the date of receipt of a copy of the order, failing which, it was observed that the order of stay would get automatically vacated. Thereafter, in C.M.P.No.20500 of 2018, this Court extended the time for deposit of the above said decretal amount till 28.02.2018 and the words 'award amount' were amended with 'decretal amount'.

4. Now, the claimant has preferred the present C.M.P. seeking for withdrawal of the above said entire 50% of the decretal amount, pending the First Appeal (Appeal Suit).

5. This Court heard the submissions made on either side and perused the materials available on record.

6. It is stated by the learned Special Government Pleader appearing for the respondent-Special Tahsildar that the above said conditional order of stay, had been complied with by the respondent-Special Tahsildar, by depositing 50% of the decretal amount. This Court, on being satisfied with the reasons stated in the affidavit filed in support of the present C.M.P. and also upon hearing both sides, is of the considered view that the petitioner/claimant may be permitted to withdraw the entire 50% of the decretal amount now deposited, vide order passed by this Court in the said stay petition.

7. Accordingly, the petitioner/claimant is permitted to withdraw the entire 50% of the decretal amount deposited by the respondent-Special Tahsildar, along with accrued interest thereon, in L.A.O.P.No.523 of 2013 on the file of the Special Sub-Court for LAOP cases, Cuddalore.

8. This C.M.P. is ordered in the above terms.

-sd/-
14/12/2020
/ TRUE COPY /

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

TO

1 THE SPECIAL TAHSILDAR
LAND ACQUISITION, NO.4, SIPCOT
(NAGARJUNA OIL CORPORATION LIMITED), CUDDALORE.

2 THE SPECIAL SUBORDINATE JUDGE FOR LAOP CASES,
CUDDALORE

3 THE SECTION OFFICER
VR SECTION, HIGHCOURT MADRAS

+2 C.C. to MR.D.VEERASEKARAN Advocate S.R.NO.6127

Order

in
CMP.13693/2020
IN AS.741/2018

Date :14/12/2020

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MJ 22/12/2020

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