



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Civil Appellate Jurisdiction)

Wednesday, the Sixteenth day of September Two Thousand Twenty

PRESENT

The Hon`ble Mr.Justice T.S.SIVAGNANAM
and
The Hon`ble Mrs.Justice R.THARANI

C.M.P. (MD) No.4041 of 2020
in
Rev.Aplc. (MD) SR No.14656 of 2020
in
W.A. (MD) No.421 of 2019

1 THE DISTRICT COLLECTOR,
NAGERCOIL, KANNIYAKUMARI DISTRICT-629 001.

2 THE REVENUE DIVISIONAL OFFICER,
COLLECTORATE COMPLEX, NAGERCOIL,
KANNIYAKUMARI DISTRICT.

... PETITIONERS/PETITIONERS

Vs

A.WILSON

... RESPONDENT/RESPONDENT

Prayer in C.M.P. (MD) No.4041 of 2020 :

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 78 days delay in filing the above review as against the order dated 17-10-2019 passed by this Hon'ble court in WA(MD) No 421 of 2019.

PRAYER IN Rev.Aplc. (MD) SR No.14656 of 2020:

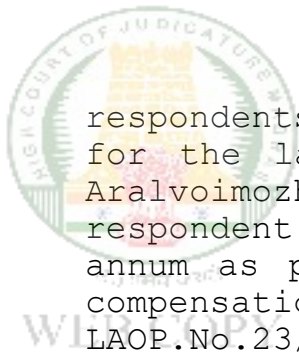
To review the order passed in WA(MD) No.421 of 2019 dated 17.10.2019.

Prayer in WA(MD) No.421 of 2019:

Writ Appeal filed under Clause 15 of Letters Patent Act, against the order dated 06.02.2019, made in W.P.(MD) No.23930 of 2018, on the file of this Court.

Prayer in WP(MD) . 23930/ 2018 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 1st respondent in his proceedings in VU.3/13762/2018 dated 05.06.2018 and quash the same, consequently directing the



respondents to grant fair and just compensation to the petitioner for the land acquired for constructing the Poigai Dam Project at Aralvoimozhi Village in Survey number 38/2 and directing the respondent to grant enhanced compensation with 18% interest per annum as per with the adjacent land owner is same Survey No.38/3 compensation received as per award dated 29.01.1998 in LAOP.No.23/1995.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.K.P.KRISHNADASS, Special Government Pleader for the petitioners, the court made the following order:-

(Order of the Court was made by T.S.Sivagnanam, J.)

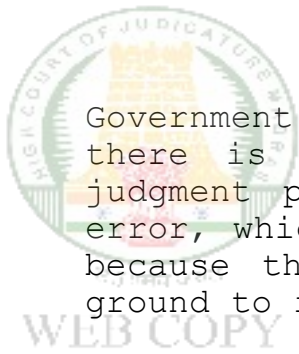
Heard Mr.K.P.Krishnadass, learned Special Government Pleader appearing for the petitioners.

2.This civil miscellaneous petition has been filed to condone the delay of 78 days in filing the above Review Application to review the judgment and order in W.A.(MD) No.421 of 2019, dated 17.10.2019.

3.The appellant in the Writ Appeal filed a Writ Petition praying for a direction to quash the proceedings of the District Collector, Kanyakumari District, dated 05.06.2018 and, grant fair and just compensation for the land acquired from him for construction of the Poigai Dam Project at Aralvaimozhi Village.

4.The Court took into consideration the decision of the Hon'ble Supreme Court in the case of **Karam Chand (Dead) by Lrs. & Another vs. State of Himachal Pradesh & Another** in Civil Appeal No.17323 of 2017, dated 27.12.2017 and allowed the appeal, set aside the order passed in the Writ Petition, quashed the order passed by the District Collector dated 05.03.2018 and, directed the petitioners before us to apply the judgment in L.A.O.P.No.23 of 1995, dated 29.01.1998 on the file of the Additional Subordinate Court, Nagercoil and re-determine the enhanced compensation and disburse the same to the respondent/appellant. We made it clear that the respondent/appellant is not entitled for any interest for the delayed period. The direction was ordered to be complied with within a period of eight weeks from the date of receipt of a copy of the judgment. Admittedly, till date, the order has not been complied with and we are informed by the learned Special Government Pleader that Contempt Petition has been filed in which, the District Collector and the Revenue Divisional Officer, Nagercoil, Kanyakumari District, have been directed to appear.

5.Apart from hearing the learned Special Government Pleader on the condone delay petition, we have also heard the learned Special



Government Pleader on the merits of the Review Application. We find there is no ground made out by the petitioners to review the judgment passed by us in W.A.(MD) No.421 of 2019. There is no error, which has been pointed out in the grounds of review. Merely because the petitioners are facing contempt proceedings is not a ground to review the judgment.

6.During the course of submissions, the learned Special Government Pleader, on instructions, would submit that it is the endeavour of the petitioner-Department to settle the claim for enhanced compensation to the respondent/appellant, but they require reasonable time because, the land, as of now, is vested with the Public Works Department. The competent authority to pay the enhanced compensation, is an internal matter, which the petitioners have to sort out.

7.So far as the grant of time to comply with the direction is concerned, if appropriate submission is made in the form of an affidavit, it will be taken into consideration by the Hon'ble Division Bench dealing with the Contempt Petition on merits and in accordance with law. Thus, leaving it open to the petitioners to pursue such remedy before the Hon'ble Division Bench in the contempt proceedings, we dismiss this civil miscellaneous petition.

8.Accordingly, this civil miscellaneous petition stands dismissed. Consequently, the Review Application stands rejected at the SR stage itself. No costs.

sd/-

16/09/2020

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DISTRICT COLLECTOR,
NAGERCOIL, KANNIYAKUMARI DISTRICT-629 001.

2 THE REVENUE DIVISIONAL OFFICER,
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KANNIYAKUMARI DISTRICT.

ORDER IN

C.M.P.(MD) No.4041 of 2020

in Rev.Applc.(MD) SR No.14656 of 2020

in W.A.(MD) No.421 of 2019

Date :16/09/2020

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