

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the Second day of July Two Thousand Twenty One

PRESENT

THE HON`BLE MR JUSTICE C.V.KARTHIKEYAN

CMP.No.6229 of 2021

in

C.R.P. (NPD) .No.3132 of 2019

1 K.RAJA

[PETITIONERS]

2 K.VIJAYAKUMAR

Vs

THE SPECIAL TAHSILDAR (LAND ACQUISITION), [RESPONDENT]
TAMILNADU ROAD SECTOR PROJECT,
TIRUVANNAMALAI.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to permit the petitioners to withdraw the amount of Rs.35,76,967/- deposited by the respondent with accrued interest which is lying in the file of the Principal Subordinate Judge, Tiruvannamalai in LAOP No.2/2009 (in CMP.No.6229 of 2021) pending disposal of the above C.R.P. (NPD) .No.3132 of 2019.

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.RANGASAMY for M/S.R.REVATHY, Advocate for the petitioners and of DR.S.SURIYA, Government Advocate (Civil Side) on behalf of the Respondent, the court made the following order:-

This petition has been filed seeking to withdraw the amount of Rs.35,76,967/- which had been deposited by the respondent / Special Tahsildar, Land Acquisition, Tamil Nadu Road Sector Project, Tiruvannamalai together with accrued interest which is lying to the credit of L.A.O.P.No.2 of 2009 in the file of the Principal Subordinate Court, Tiruvannamalai.

2.The said amount has been deposited, pursuant to the direction of this Court in C.M.P.No.23378 of 2018 in A.S.No.906 of 2018. Originally, questioning the award, a First Appeal was filed. Subsequent to the order passed by the Division Bench of this Court in Review Petition No.98 of 2016, dated 30.01.2019, it was made clear that only a revision would lie. The First Appeal was

converted into a Civil Revision Petition. The said amount deposited reflects 50% of the award amount.

3.Heard the learned counsel for the petitioner and also the learned counsel for the respondent/Dr.S.Suriya, the learned Government Advocate (Civil Side).

4.It is the grievance of the learned Government Advocate that the compensation has been enhanced by more than 100% and therefore there should not be any order in favour of the petitioner herein and that the Revision itself is to decide with respect to the compensation payable.

5.On a perusal of records, it is seen that the said amount of Rs.35,76,967/- reflects 50% of the award amount. It would only be appropriate that the petitioner herein is given compensation to some extent for the lands acquired by the Special Tahsildar (Land Acquisition). Therefore, taking into account of the interest of both parties, 50% Rs.35,76,967/- deposited by the respondent / Special Tahsildar, Land Acquisition, Tamil Nadu Road Sector Project, Tiruvannamalai together with apportioned accrued interest with respect to such 50% which is lying to the credit of L.A.O.P.No.2 of 2009 in the file of the Principal Subordinate Court, Tiruvannamalai is permitted to be withdrawn by the petitioner herein after filing necessary undertaking to deposit the same if the petitioner suffers adverse order in C.R.P.No.3132 of 2019.

6.With the above said undertaking, this C.M.P.No.6229 of 2021 is allowed.

-sd/-
02/07/2021

/ TRUE COPY /

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

WEB COPY

TO

THE PRINCIPAL SUBORDINATE JUDGE,
TIRUVANNAMALAI.

C.C. to M/S.R.REVATHY Advocate SR.NO.3744

Order
in

CMP.No.6229 of 2021
in

C.R.P. (NPD) .No.3132 of 2019

Date: 02/07/2021

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
UM(06/07/2021)



WEB COPY