



IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Friday, the First day of October Two Thousand Twenty One

PRESENT

THE HON`BLE MS.JUSTICE P.T.ASHA

CMP.No.7467 of 2021

in REV.APPL.NO.SR.34723 of 2021

SARANGAN (DIED)

[PETITIONERS]

ANNAPOORANI (DIED)

1 SELVAM

2 ESWARI

3 SUMATHI

Vs

1 THE SPECIAL TAHSILDHAR (LA),
SIPCOT, SRIPERUMBUR TALUK,
SRIPERUMBUDUR, KANCHEEPURAM DISTRICT.

[RESPONDENTS]

2 THE MANAGING DIRECTOR,
SIPCOT, HAVING ITS OFFICE AT EGMORE,
CHENNAI-8.

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 2338 days in filing the above Review Petition against the orders passed in AS.No.95 of 2011 dated 04.08.2014 (in CMP.No.7467 of 2021).

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 M/S.G.KARTHIKEYAN, Advocate for the petitioner and of MR.EDWIN PRABAKAR, Advocate for the 1st Respondent and of MR.RAMESH VENKATACHALAPATHY, Advocate for the 2nd Respondent the court made the following order:-



The above petition is filed by the petitioners / claimants for condoning the delay of 2338 days in filing the Review Petition, challenging the order passed in A.S.No.95 of 2011 dated 04.08.2014.

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2. In order to appreciate the case on hand, the reasons which have prompted the petitioners to file this petition is briefly stated herein below. The property belonging to the deceased 1st petitioner comprised in S.No.323/2B measuring 0.03.0 hectares situate at Thirumangalam Village, Sriperumbudur Taluk, was acquired by the 1st respondent for the benefit of the 2nd respondent. A sum of Rs.400/- per cent was fixed as compensation. The 1st petitioner had received the said amount under protest and had requested the 1st respondent to refer the matter to the Competent Court under Section 18 of the Land Acquisition Act.

3. The said reference was made to the Sub Court, Thiruvallur and numbered as L.A.O.P.No.1176 of 2003. It was later transferred to the Additional District Judge, (Fast Track Court No.V), Chengalpattu. The Trial Court had enhanced the compensation to a sum of Rs.3,500/- per cent besides the benefits provided under the Act. The enhancement was done in a batch of 126 cases by a common Judgement dated 14.11.2007.

4. Aggrieved by the Judgement in so far as it related to the lands of the deceased 1st petitioner, the 1st respondent had preferred an appeal in A.S.No.95 of 2011. The deceased 1st petitioner had filed a Cross Objection No.104 of 2013. Pending the appeal, the 1st petitioner had died and his legal heirs were thereafter brought on record as petitioners 2 to 5.

5. This Court had originally modified the Judgement of the Trial Court by enhancing the compensation to a sum of Rs.15,620/- per cent, less 33% towards development charges which worked out to a sum of Rs.10,465.40/- together with benefits provided under the Land Acquisition Act by a common Judgement dated 11.10.2013.

6. Thereafter, it was brought to the notice of the Court that against the very same land another reference in L.A.O.P.No.206 of 2005 had been filed on the file of the Additional District Judge (Fast Tract Court No.V), Chengalpattu. In this petition also the compensation had been enhanced and the 1st respondent had challenged the same by filing A.S.No.158 of 2011. Therefore, A.S.No.158 of 2011 and A.S.No.95 of 2011 related to the very same lands belonging to the 1st petitioner. Since the property of the claimants in both L.A.O.Ps were the same, this Court proceeded to set aside the decree in L.A.O.P.No.1176 of 2003 on the file of the Additional District Judge (Fast Track Court No.V), Chengalpattu on the ground that for the very same property there is already the order passed in L.A.O.P.No.206 of 2005 on the file of the very same Judge, which is the subject matter of A.S.No.158 of 2011, which was also dismissed.



7. The learned Judge therefore held that A.S.No.95 of 2011 and also the Cross Objection filed stand dismissed. Instead of stating that the cross objection is allowed, this Court by an oversight had stated that the cross objection was also dismissed. As a result, the petitioners became entitled only to the amount fixed by the Additional District Judge (Fast Track Court No.V), Chengalpattu in L.A.O.P.No.206 of 2005.

8. Since all the matters were heard as a batch, attention was not given to the ultimate Judgement. The petitioners would submit that it was only before the Execution Court, where the petitioners had filed E.P.No.11 of 2016 before the VI Assistant City Civil Judge, Chennai that they had come to realise the anomaly. Therefore, they had come forward with the above review petition. However, in the interregnum the delay of 2338 days had crept.

9. The learned counsel appearing for the 1st and 2nd respondents on going through the Judgement dated 11.10.2013 and the modification order dated 04.08.2014 had conceded that there has been an error in the Judgement dismissing the cross objection as well. In the earlier order dated 11.10.2013 all the appeals suit were dismissed and the cross objections were allowed fixing the compensation at Rs.15,620/- per cent, less 33% towards development charges together with all the other benefits that was totally payable to the claimants / land owners.

10. Considering the fact that the error that has crept in by oversight the delay of 2338 days is condoned. The Registry is directed to number the review and list the matter on 22.10.2021 positively.

-sd/-

01/10/2021

/ TRUE COPY /

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

TO

1 THE SPECIAL TAHSILDHAR (LA)
SIPCOT, SRIPERUMBUR TALUK,
SRIPERUMBUDUR, KANCHEEPURAM DISTRICT.

2 THE MANAGING DIRECTOR
SIPCOT, HAVING ITS OFFICE AT EGMORE,
CHENNAI-8.



3 THE ASSISTANT REGISTRAR,
MAIN AE SECTION,
HIGH COURT, MADRAS-104.

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Order

in
CMP.No.7467 of 2021
in REV.APPL.NO.SR.34723 of 2021

Date :01/10/2021

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