IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 22.12.2020	Delivered on 07.01.2021

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THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

CRP. (NPD) Nos.3440 & 3441 of 2018
and CMP Nos.19306/18, 23843 & 26488/19 in CRP 3440 of 2018
and CMP No.19311 of 2018 in CRP 3441 of 2018

The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore -12 .. Petitioner in both the Petitions

Vs.

1.V.Saraswathiammal .. 1st Respondent in CRP 3440 of 2018

2. The Land Acquisition Officer,
and Special Thasildar (Land Acquisition),
Housing Development Scheme No.I,
Coimbatore. .. 2nd Respondent in CRP 3440/18
& 4th Respondent in CRP 3441/18

Kamalam (Died)

1. Venkatesh

2. P.C.Kondasamy

3. Sarojini .. Respondents 1 to 3 in CRP 3441 of 2018

PRAYER in CRP **3440 of 2018**: Civil Revision Petitions filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order made in EP No.286 of 2014 in LAOP No.414 of 1994 dated 27.09.2018 on the file of the II Additional Subordinate Judge, Coimbatore.

PRAYER in CRP **3441 of 2018**: Civil Revision Petitions filed under Article 227 of Constitution of India, praying to set aside the fair and decretal order made in EP No.79 of 2015 in LAOP No.244 of 1990 dated 27.09.2018 on the file of the II Additional Subordinate Judge, Coimbatore.

For Petitioner (in both the petitions) : Mr.E.Emilias, Additional Advocate General Assisted by Mr. M.R.Sivakumar Standing Counsel (TNHB)

For Respondents (in both the Petitions) : Mr.V.Raghavachari for M/s.C.Prabakarn

COMMON ORDER

This matter is taken up for hearing through Video-Conferencing.

These two Revisions are at the instance of the requisitioning body viz., The Tamil Nadu Housing Board, challenging the orders of the Executing Court made in EP Nos.286 of 2014 and 79 of 2015 respectively.

2. The above proceedings stem out of Land Acquisitions for the purposes of an Housing Scheme launched by the Tamil Nadu Housing Board in Ganapathi Village of Coimbatore District. The notification under Section 4(1) was published on 07.09.1983 and declarations under Section 6 were made on 03.02.1986. An award came to be passed on 25.11.1988 fixing the compensation at Rs.200/- per cent along with the statutory benefits. The land owners sought for a reference under Section 18 of the Act.

3. Upon a reference being made, the learned Subordinate Judge, Coimbatore, took up the proceedings in LAOP Nos.414 of 1994 and 244 of 1990 respectively. The Reference Court by its judgment dated 28.04.2005 and 29.04.2005 made in the above Original Petitions enhanced the compensation to Rs.6,000/- per cent and granted the statutory benefits viz., 30% solatium, 12% additional amount under Section 23 (1-A) an interest at 9% for the first one year from the date of taking possession and at 15% for the subsequent period. Since the judgment of the Reference Court was rendered after the judgment of the Hon'ble Supreme Court in ***Sunder v. Union of India,*** reported in ***(2001) 7 SCC 211***, the Reference Court granted interest on the compensation i.e. the land

cost plus solatium and the additional amount payable under Section 23(1-A) of the Land Acquisition Act. Aggrieved by the enhancement made by the Reference Court, the petitioner herein viz., the requisitioning body filed Appeals in this Court in AS No.963 of 2005 (against LAOP No.244 of 1990) and AS No.973 of 2005 (against LAOP No.414 of 1994).

4. A Division Bench of this Court which heard the Appeals reduced the compensation to Rs.2,000/- per cent with the attendant statutory benefits and interest. Aggrieved by the reduction, the claimants viz., the land owners preferred Civil Appeals before the Hon'ble Supreme Court and the Hon'ble Supreme Court by its judgment dated 14.10.2014 enhanced the compensation to Rs.6,000/- per cent as granted by the Reference Court. The Hon'ble Supreme Court also confirmed the grant of statutory benefits by the Reference Court as well as this Court. After the disposal of the Appeals by the Hon'ble Supreme Court, the land owners preferred Execution Petitions claiming a certain amount as payable by the respondent viz., the Housing Board. This was opposed by the Housing Board basically on two grounds.

5. The first ground being, as per the judgment in ***Gurpreet Singh v.***

Union of India, reported in ***(2006) 8 SCC 457***, the land owners would be entitled to interest on the solatium and additional amount only with effect from the date of the judgment in ***Sunder***'case viz. 19.09.2001 and not for the earlier period. The second contention that was raised by the Tamil Nadu Housing Board was that the monies that were paid during the pendency of the Appeals before this Court and after the disposal of the Appeals by this Court, prior to the enhancement by the Hon'ble Supreme Court, should be appropriated towards the principal payable and not towards interest alone.

6. Support was drawn from the judgment of the Hon'ble Supreme Court in ***Prem Nath Kapur & Anr. V. National Fertilizers Corporation of India Ltd & Ors.,*** *reported in* ***(1995) Supp.5 SCR 790***, wherein a Three Judge Bench of the Hon'ble Supreme Court had held that the rule of appropriation contained in Order 21 Rule 1 of the Code of Civil Procedure, regarding execution of decrees stands excluded and any money paid by the acquiring body during the pendency of the proceedings in part satisfaction of the decree shall be adjusted towards the principal. Reliance was also placed on paragraphs 36 and 37 of the judgment in ***Gurpreet Singh***'s case, in support of the contention that the appropriation claimed by the land owners is incorrect.

7. The learned Executing Court rejected the defence set up and directed payment of the balance of compensation as claimed by the land owners. Aggrieved the Housing Board has come up with these Civil Revision Petitions.

8. I have heard Mr.Emilias, learned Additional Advocate General assisted by Mr.M.R.Sivakumar, for the petitioner in both the petitions and Mr.V.Raghavachari, learned Counsel appearing for Mr.C.Prabakaran, for the respondents/land owners in both the petitions.

9. Mr.Emilias learned Additional Advocate General would strenuously contend that the Executing Court was not right in ignoring the settled position of law regarding payment of interest on solatium and additional market value as well as the rule of appropriation set out in ***Prem Nath Kapur***'s case as confirmed in ***Gurpreet Singh***'s case.

10. Contending contra, Mr.V.Raghavachari, learned counsel appearing for the respondents/land owners would submit that the decision in ***Prem Nath Kapur***'s case was partially modified in ***Gurpreet Singh***'s case, in so far as the

rule of appropriation is concerned. He would also point out that the direction relating to payment of interest on solatium and additional amount from the date of the judgment in ***Sunder***‘scase will not apply to the cases on hand, inasmuch as, the award of the Reference Court itself was after the decision in ***Sunder***‘scase and it is specifically directed payment of interest on the solatium and the additional amount and the said direction has been confirmed by this Court in the Appeals and the Hon’ble Supreme Court in the Civil Appeals. Therefore, according to Mr.V.Raghavachari, both the contentions of the learned Additional Advocate General cannot be accepted. He would further submit that the rule of appropriation enunciated in paragraphs 40, 41 and 42 of ***Gurpreet Singh***‘s case would apply and the monies that were paid pending the proceedings will have to be adjusted towards interest first and only the remaining amount can be adjusted towards the principal.

11. I have considered the rival submissions.

12. Before discussing the questions of law raised by the learned counsel appearing on either side, it will be better to set out the factual matrix. The following dates would be very relevant.

S.No.	***Description***	***Important Dates***	
		IN CRP 3440/18	IN CRP 3441/18
1.	4(1) Notification	07.09.1983	07.09.1983
2.	Section 6 Declaration	03.02.1986	03.02.1986
3.	Award passed on	25.11.1988	06.05.1987
4.	Details of Stay (a) With reference to 304.20 cents in WP No.12695 of 1986, stay granted on	24.11.1986	NA
	(b) With reference to 55.40 cents in WP No.10698 of 1986, stay granted on	20.10.1986	NA
5.	Date of taking possession	03.01.1990	17.06.1987

13. From the above, it could be seen that the land owners would be entitled to 30% solatium on the market value of the land and 12% additional amount up to 24.11.1986 and 20.10.1986 in CRP 3440 of 2018. The land owners in CRP 3441 of 2018 would be entitled to 30% Solatium and 12% additional market value up to 06.05.1987, viz., the date of passing of the award. The land owners in CRP 3440 of 2018 would not be entitled to 12% additional amount till the date of passing of the award, since they had obtained stay in the Writ Petitions as stated above.

14. Adverting to the first contention of Mr.Emilias, learned Additional Advocate General, the said contention is based on the last paragraph in the judgment of the Hon’ble Supreme Court in ***Gurpreet Singh***‘s case, wherein the Hon’ble Supreme Court had dealt with the effect of the judgment in ***Sunder***‘s case. Prior to the judgment of the Hon’ble Supreme Court in ***Sunder***‘s case, there was a difference in opinion regarding the entitlement to interest on solatium and the additional amount awarded under Section 23(1-A) of the Land Acquisition Act. The air was cleared by the judgment in ***Sunder***‘s case, wherein the Five Judge Bench of the Hon’ble Supreme Court ruled that interest is payable on the 30% Solatium as well as the 12% additional amount.

15. The question that arose in ***Gurpreet Singh***‘s case was, as to what happens in cases where the awards were passed prior to the judgment in ***Sunder***‘s case, and would that affect cases in which execution has been completed. While dealing with such situation, the Hon’ble Supreme Court, in ***Gurpreet Singh***‘s case, held that if the award of the Reference Court or the Appellate Court does not specifically refer to the question of interest on solatium or in cases where claim had not been made and rejected either

expressly or impliedly by the Reference Court or the Appellate Court and merely interest on compensation is awarded, then it would be open to the Execution Court to apply the ratio of ***Sunder***'s case, and say that the compensation awarded includes solatium and in such an event interest on the amount could be directed to be deposited in execution, otherwise not. It was also clarified that interest on solatium can be claimed **only in pending executions** and not in closed executions and the Executing Court will be entitled to permit its recovery from the date of judgment in ***Sunder***'s case, and not for any prior period.

16. I am unable to agree with the interpretation placed by Mr.Emilias, on this conclusion of the Hon'ble Supreme court. This conclusion, of the Hon'ble Supreme Court, in my opinion, has to be restricted only to cases in which execution of the awards, made prior to the judgment in ***Sunder***'s case, were pending and not to awards which were passed after the judgment in ***Sunder***'case, wherein the award itself granted payment of interest on solatium and the additional market value.

17. As already pointed out, the awards of the Reference Court in these

cases were passed in April 2005 and the awards specifically directed payment of interest on the solatium and the additional amount. The said grant was confirmed by this Court in the Appeals and by the Hon'ble Supreme Court in the Civil Appeals. I therefore do not think that para 44 of the judgment in ***Gurpreet Singh***'s case could be invoked by the Housing Board to deny interest on the solatium and the additional amount for the period between the date of taking possession and the date of judgment in ***Sunder***'s case. Hence the first contention of the learned Additional Advocate General stands rejected.

18. Coming to the question of appropriation, the learned Additional Advocate General would rely heavily on the judgment in ***Prem Nath Kapur***'s case (supra) and contend that whatever amounts that were paid during the pendency of the Appeal before this Court and the pendency of the Civil Appeals before the Hon'ble Supreme Court should be adjusted towards principal and not towards interest. This rule of appropriation propounded in ***Prem Nath Kapur***'s case was tinkered with by the Larger Bench of the Hon'ble Supreme Court in ***Gurpreet Singh***'s case. The assumption of the learned Additional Advocate General that the rule of appropriation propounded in ***Prem Nath Kapur***'s case stood confirmed in ***Gurpreet Singh***'s case is not correct. While approving the

view in ***Prem Nath Kapur***'s case that the Land Acquisition Act over rides the provisions of Order 21 Rule 1 of the Code of Civil Procedure the Hon'ble Supreme Court had held that the question of appropriation would be at different stages and the decree holder would not be entitled to reopen the entire transaction to claim a re-appropriation of the amounts already received by him and appropriated at a particular stage. It will be useful to extract the relevant portion of the judgment in ***Gurpreet Singh***'s case, which runs as follows:

> *"47. In the scheme of the Act, the above conclusions, with respect, are justified. But, it is argued that when a reference court or the appellate court awards enhanced compensation, the operative award is that of the court and going by the doctrine of merger also, the operative decree is that of the appellate court. Thus, the award of the ultimate Court, in the given case, would be the amount payable for acquisition and it is open to the decree holder to proceed to calculate the amount due to him on that basis and seek a re-appropriation based on such a calculation and reckoning the payment or payments already made. In other words, it is contended that a recalculation and adjustment would be called for every time there is an enhancement. In answer, it is contended that the Act provides for*

determination of compensation at different stages, the stage of the award, the stage of reference and the stage of appeal and provides for payment of interest and solatium based on the award and thereafter, only on the excess compensation awarded and in such a situation, a re-opening of the satisfaction recorded at the earlier stage is not contemplated or warranted. It is submitted that the ratio of Prem Nath Kapur & Anr. Vs. National Fertilizers Corporation of India Ltd. & Ors. (supra) also supports this position and that in the context of the relevant provisions, the position adopted in that decision on this aspect deserves acceptance.

48. We may say with respect that the decision in Mathunni Mathai (supra) does not answer the question. That case was concerned with the question of the point of time of cessation of interest, whether it would be the date of deposit or whether the date of notice of the deposit. It did not specifically refer to the relevant sections of the Act and did not consider their possible impact on the question, Prem Nath Kapur (supra) dealt with this aspect to the extent of holding that the Act provides for a mode of appropriation not consistent with that in Order XXI Rule 1 of the Code or the general law and to that extent, the scheme of the Act would prevail.

49. Though, a decree holder may have the right to *appropriate the payments made by the judgment-debtor, it could only be as provided in the decree if there is provision in that behalf in the decree or, as contemplated by Order XXI Rule 1 of the Code as explained by us above.* ***The Code or the general rules do not contemplate payment of further interest by a judgment debtor on the portion of the principal he has already paid. His obligation is only to pay interest on the balance principal remaining unpaid as adjudged either by the court of first instance or in the court of appeal. On the pretext that the amount adjudged by the appellate court is the real amount due, the decree-holder cannot claim interest on that part of the principal already paid to him.*** *Of course, as indicated, out of what is paid he can adjust the interest and costs first and the balance towards the principal, if there is a shortfall in deposit. But, beyond that, the decree- holder cannot seek to re-open the entire transaction and proceed to recalculate the interest on the whole amount and seek a re-appropriation as a whole in the light of the appellate decree.(Emphasis Supplied)*

50. It is true that the understanding of the expression "compensation awarded" for the purpose of Section 28 of the Act in Prem Nath Kapur (supra) was modified. To that extent one strand of reasoning in Prem

Nath Kapur (supra) also stands discredited. But as we see it, on the question of appropriation, the decision in Sunder (supra) does not have such an impact as to compel us to jettison the reasoning adopted in Prem Nath Kapur (supra). ***Slightly deviating from the reasoning in Prem Nath Kapur (supra) we have indicated earlier that even going by Order XXI Rule 1 of the Code, the position would be as envisaged in Prem Nath Kapur (supra).*** *That apart, we are inclined to respectfully agree with the reasoning in Prem Nath Kapur (supra) that on the wording of Section 34 and Section 28 of the Act read with and understood in the light of the stages of the award of compensation, the question of appropriation would be at different stages and a decree holder would not be entitled to reopen the entire transaction to claim a re-appropriation of the amounts already received by him and appropriated at that particular stage.....(Emphasis Supplied)*

52. What is to happen when a part of the amount awarded by the reference court or by the appellate court is deposited pursuant to an interim order of the appellate court or of the further appellate court and the awardee is given the liberty to withdraw that amount? In such a case, the amount would be received by the decree holder on the strength of the interim order and the *appropriation will be subject to the decision in the appeal or the further appeal and the direction, if any, contained therein.* ***In such a case, if the appeal is disposed of in his favour, the decree holder would be entitled to appropriate the amount already received by him pursuant to the interim order first towards interest then towards costs and the balance towards principal as on date of the withdrawal of the amount and claim interest on the balance amount of enhanced compensation by levying execution. But on that part appropriated towards the principal, the interest would cease from the date on which the amount is received by the awardee.*** *Of course, if while passing the interim order, the court had indicated as to how the deposited amount is to be appropriated, that direction will prevail and the appropriation could only be done on the basis of that direction.(Emphasis Supplied)*

53. Thus, on the whole, we are satisfied that the essential ratio in the Prem Nath Kapur (supra) on appropriation being at different stages is justified though if at a particular stage there is a shortfall, the awardee decree holder would be entitled to appropriate the same on the general principle of appropriation, first towards interest, then towards costs and then towards the principal, unless, of course, the deposit is indicated to be *towards specified heads by the judgment debtor while making the deposit intimating the decree-holder of his intention. We, thus, approve the ratio of Prem Nath Kapur (supra) on the aspect of appropriation."*

20. Therefore, the ratio laid down in Prem Nath Kapur's case, as explained in Gurpreet Singh's case is that appropriation must be made stage wise. If the compensation fixed at one stage is paid in full and is appropriated towards the cost, interest and the principal, the enhancement of the compensation at a subsequent stage will not enable the decree holder to reopen the appropriation from the initial stage and seek re-appropriation. Now coming to the facts of the cases on hand, as already pointed out the Reference Court awarded a sum of Rs.6,000/- per cent, as compensation along with the statutory benefits. This was reduced by this Court in the Appeals to Rs.2,000/- per cent in the year 2009. This was, however, enhanced by the Hon'ble Supreme Court to Rs.6,000/- per cent in the year 2014.

21. There are four stages of fixation of compensation. The first by the Land Acquisition Officer, the second by the Reference Court, the third by the

High Court in the Appeals under Section 52 of the Act, and the fourth by the Hon'ble Supreme Court. There cannot be any issue relating to the award passed by the Land Acquisition Officer. If the Reference Court enhances the compensation, the land owner would be entitled to interest, on the enhanced compensation, at a particular rate as per Section 34 of the Act. If the amount, as granted by the Reference Court, is paid in full pending an Appeal and there is an enhancement by the High Court, the land owner would be entitled to claim interest and the statutory benefits only on the enhanced amount and he cannot seek to reopen the appropriation done on the basis of the amount awarded by the Reference Court.

22. There may also the cases in which a portion of the award amount is paid pending an Appeal before the High Court and that amount appropriated, in part towards the interest and in part towards the principal. In such event, the land owners would be entitled to interest on the principal that remains unpaid.

23. From the facts of the cases on hand, it is found that the Housing Board has deposited a sum of Rs.3,46,603/- in CRP 3440 of 2018 and no amount was deposited in CRP 3441 of 2018 during the pendency of the appeals

in this Court. When this Court reduced the compensation to Rs.2,000/- from Rs.6,000/- per cent, the petitioner viz., the Tamil Nadu Housing Board had deposited the entire compensation payable along with interest and cost as per the judgment of this Court at the rate of Rs.2,000/- per cent on 29.02.2012.

24. The Executing Engineer cum Administrative Officer of the Tamil Nadu Housing Board, Coimbatore Housing Unit, has filed a Memo of calculation showing the payments made as well as the appropriation made on the basis of the judgment of this Court for the market value of the land at Rs.2,000/- per cent. As per the said memo of calculation, the entire award amount at the rate of Rs.2,000/- per cent stood fully paid in both the cases on 29.02.2012. (***The said calculation memos shall form part of this order as annexures A and B***.) Therefore, upon enhancement of the award amount by the Hon'ble Supreme Court, the land owner cannot seek reopening of the appropriation made on 29.02.2012, when the deposit was made and claim interest on 6,000/- rupees from the day one.

25. At the same time, the Housing Board is also not justified in contending that its liability to pay interest ceases on 29.02.2012. The liability

of the petitioner viz., the Tamil Nadu Housing Board to pay interest would cease on 29.02.2012 only on the market value of Rs.2,000/- as fixed by this Court in the Appeals. When there is a subsequent enhancement, the land owner would be entitled to claim interest on the enhanced amount as pointed out in paragraph 53 of the judgment in ***Gurpreet Singh***'s case.

26. As I have already pointed out as on 29.02.2012, the entire award stood satisfied, if the land value is taken at Rs.2,000/- per cent, as fixed by this Court in the Appeal filed under Section 52 of the Act. The next question that would emerge is what happens if there is a subsequent enhancement. This question has been answered by the Hon'ble Supreme Court in ***Gurpreet Singh***'s case in paragraph 53 extracted above. Any amount paid after 29.02.2012 will have to be appropriated towards the interest on the enhanced amount viz. Rs.4,000/- per cent and if there is a balance after satisfying the interest payable the same could be adjusted towards the principal. The enhancement by the Hon'ble Supreme Court was by Rs.4,000/- per cent. On this sum of Rs.4,000/-, the land owner would be entitled to 30% solatium, 12% additional amount and interest at 9% for one year from the date of taking possession and 15% thereafter till date of payment.

27. Any amount paid in the interregnum i.e., between 29.02.2012 and today will have to be adjusted towards the interest payable on the sum of Rs.4,000/- + 30% solatium + 12% additional amount. If there is any excess after satisfying the interest payable, the same could be adjusted towards the principal. Since I have concluded that the award at the rate of Rs.2,000/- per cent stood the satisfied on the deposits made on 29.02.2012, the balance payable as per the judgment of the Hon'ble Supreme Court should be calculated taking the value of the land at Rs.4,000/- per cent. If calculated on the basis of the principals said down in ***Gurpreet Singh v. Union of India*** and ***Sunder v. Union of India,*** the calculation will be as follows:

28. **<u>IN CRP 3440 of 2018</u>**

Enhanced compensation at Rs.4,000/- per cent as per the judgment of the Hon'ble Supreme Court:

I. Description (calculation for 304.20 sq.ft)	***Amount***
(i) Rs.4,000/- x 304.20	12,16,800.00
(ii) 30% Solatium	3,65,040.00
(iii) (a) 12% additional amount from 07.09.1983 to 24.11.1986 Rs.12,16,800/- x 12/100 x 809/365 = Rs.3,23,635.46 (b) Rs.12,16,800/- x 12/100 x 366/366	

= Rs.1,46,016.00	4,69,651.46
Total	20,51,491.46
II. Description (calculation for 55.40 sq.ft)	***Amount***
(i) Rs.4,000/- x 55.40	2,21,600.00
(ii) 30% Solatium	66,480.00
(iii) (a) 12% additional amount from 07.09.1983 to 20.10.1986 Rs.2,21,600/- x 12/100 x 774/365 = Rs.56,389.61 (b) Rs.2,21,600/- x 12/100 x 366/366 = Rs. 26,592.00	82,981.61
Total	3,71,061.61

Description	***Amount***
Add I & II	24,22,553.00
Interest at 9% from 03.01.1990 to 02.01.1991	2,18,029.77
Interest at 15% from 03.01.1991 to 31.12.2020 Rs.24,22,553.00 x 15/100 x 2928/366 = 29,07,063.00 Rs.24,22,553.00 x 15/100 x 8391/365 = 83,53,825.00	1,12,60,888.00
Total	1,39,01,470.00
Less amount deposited on 18.01.2016	71,14,326.00
Balance payable	67,87,144.00

Note: Interest will not stop running after the payment made on 18.01.2016, since the amount paid is less than the interest due and payable as on the said date.

29. **<u>IN CRP No.3441 of 2018</u>**

Enhanced compensation at Rs.4,000/- per cent as per the judgment of the Hon'ble Supreme Court:

Description	***Amount***
(i) Rs.4,000/- x 330.56	13,22,240.00
(ii) 30% Solatium	3,96,672.00
(iii) (a) 12% additional amount from 07.09.1983 to 06.05.1987 Rs.13,22,240/- x 12/100 x 972/365 = Rs.4,22,537.00 (b) Rs.13,22,240/- x 12/100 x 366/366 = Rs.1,58,668.80	5,81,206.80
Total Rounded of to nearest Rupee	23,00,117.80 23,00,118.00
Interest at 9% from 17.06.1987 to 16.06.1988	1,98,010.00
Interest at 15% from 17.06.1988 to 31.12.2020 Rs.23,00,118.00 x 15/100 x 3115/366 = 29,36,421.00 Rs.23,00,118.00 x 15/100 x 8760/365 = 82,80,424.00	1,12,16,845.00
Total	1,37,14,973.00
Less amount deposited on 17.01.2016	78,84,360.00
Balance payable	58,30,613.00

<u>Note:</u> Interest will not stop running after the payment made on 18.01.2016, since the amount paid is less than the interest due and payable as on the said date.

30. In view of the above discussion, the Civil Revision Petitions are disposed of, with the direction to the petitioner to deposit a sum of Rs.67,87,144/- in CRP No.3440 of 2018 and Rs.58,30,613/- in CRP No.3441 of 2018. Since the calculation has been made adding interest up to 31.12.2020, the petitioner/ Housing Board shall deposit the said sum to the credit of the Execution Petitions along with further interest at 15% on Rs.24,22,553/- (in CRP 3440 of 2018) and Rs.23,00,118/- (in CRP 3441 of 2018) from 01.01.2021 till date of deposit.

31. The Civil Revision Petitions are disposed of with the above directions, in the event of failure to deposit the amounts as specified on or before 31.03.2021, the Executing Court will proceed with the attachment of movables as prayed for in the Execution Petitions. No costs. Consequently the connected miscellaneous petitions are closed.

jv 07.01.2021

Index: Yes/No
Internet:Yes/No
Speaking order/Non Speaking order

To

1. The II Additional Subordinate Judge,
   Coimbatore.

2. The Section Officer,
   V.R. Section,
   High Court of Madras,
   Chennai 600 104.

ANNEXURE -A

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Appellate Side Jurisdiction)

C.R.P.No.3440 of 2018

The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore -12 .. Petitioner /Petitioner

Vs.

V.Saraswathiammal
and others .. Respondents/ Respondents

CALCULATION MEMO FILED BY PETITIONER TAMIL NADU HOUSING BOARD AS PER HIGH COURT ORDER RS.2000/CENT

Calculation Statement for SF. No.46, 47 &50 to an extent of 304.20 cents				**Calculation Statement for SF. No.45 to an extent of 55.40 cents**		
S.No.	Description	Calculation	Amount	Description	Calculation	Amount
1.	Enhanced Compensation Rs.2000/cent for an extent of 304.20 cents	2000 x 304.20	6,08,400	Enhanced Compensation Rs.2000/cent for an extent of 55.40 cents	2000 x 55.40	1,10,800
2.	30% Solatium	608400x0.3	1,82,520	30% Solatium	110800x0.3	33,240
3.	12% Addl. Market Value 7.9.1983 to 24.11.1986	608400x0.12 x 809/365 608400x0.12 x 366/366	2,34,826	12% Addl. Market Value 7.9.1983 to 20.10.1986	110800x0.12 x 774./365 110800x0.12 x 366//366	41,491
4.	Total		10,25,746			1,85,531

COMPENSATION AWARDED BY lAO						
5.	Land Value Rs.200/cent for an extent of 304.20 cents	200x304.20	60,840	Land Value Rs.200/cent for an extent of 55.40 cents	200x55.40	11,080
6.	30% Soltium	60840x0.3	18,252	30% Solatium	11080x0.3	3,324
7.	12% Addl. Market Value 7.9.1983 to 24.11.1986	60840x0.12 x 809/365 60840x0.12 x 366/366	23,482	12% Addl. Market Value 7.9.1983 to 24.11.1986	11080x0.12 x 774/365 11080x0.12 x 366//366	4,149
8.	Award Amount		1,02,574			18,553
BALANCE TO BE PAID AFTER DEDUCTION OF AWARD AMOUNT						
9.	Balance to be paid	Col. 4- Col.8	9,23,172	Balance to be paid	Col. 4- Col.8	1,66,978
INTEREST CALCULATION TILL THE DEPOSIT BASED ON HON'BLE HIGH COURT INTERIM ORDER						
10.	9% Interest from 3.1.1990 to 2.1.1991	923172x0.09	83,085	9% Interest from 3.1.1990 to 2.1.1991	166978x0.09	15,028
11.	15% interest from 3.1.1991 to 25.9.2008	923172x0.15 x4743/365 923172x0.15 x1733/366	24,55,106	15% Interest from 3.1.1991 to 25.09.2008	166978x0.15 x4743/365 166978x0.15 x1733/366	4,44,065
AMOUNT DEPOSITED BY LAO BASED ON HON'BLE HIGH COURT INTERIM ORDER						
12.	Amount deposited by LAO		2,93,205	Amount deposited by LAO		53,398
BALANCE AMOUNT TO BE PAID AFTER DEDUCTION OF PAYMENT BASED ON HON'BLE HIGH COURT INTEIM ORDER						
13.	Balance amount to be paid	Col.9 – Col.12	6,29,967	Balance amount to be paid	Col.9-Col.12	1,13,580
INTEREST CALCULATION TILL THE DEPOSIT BASED ON HON'BLE HIGH COURT ORDER						
14.	15% Interest from 26.9.2008 to 29.2.2012	629967x0.15x 1095/365 629967x0.15 x157/366	3,24,020	15% Interest from 26.9.2008 to 29.02.2012	113580x0.15x 1095/365 113580x015 x157/366	58,419
TOTAL COMPENSATION TO BE PAID AS PER HIGH COURT ORDER AS OF 29.2.2012						

15.	Balance to be paid after deduction of Award Amount	Col.4 – Col,8	9,23,172	Balance to be paid after deduction of Award Amount	Col.4 – Col.8	1,66,978
16.	9% Interest from 3.1.1990 to 2.1.1991	923172x0.09	83,085	9% Interest from 3.1.1990 to 2.1.1991	166978x0.09	15,028
17.	15% Interest from 3.1.1991 to 25.9.2008	923172x0.15 x4743/365 923172x0.15 x1733/366	24,55,106	15% Interest from 3.1.1991 to 25.9.2008	166978x0.15 x4743/365 166978x0.15 x1733/366	4,44,065
18.	15% Interest from 26.9.2008 to 29.2.2012	629967 x0.15 x1095/365 629967x0.15 x157/366	3,24,020	15% Interest from 26.9.2008 to 29.2.2012	113580x0.15 x1095/365 113580x0.15 x157/366	58,419
19.	Deduct Amount deposited by LAO Part Payment in 2008		-2,93,205	Deduct Amount deposited by LAO Part Payment in 2008		-53,398
20.	Total Compensation to be paid		34,92,189			6,31,085
COMPENSATION AMOUNT DEPOSITED BY LAO BASED ON HON'BLE HIGH COURT ORDER						
21.	Compensation Amount deposited		34,92,189	Compensation Amount Deposited		6,31,085
BALANCE COMPENSATION AMOUNT TO BE PAID BASED ON HON'BLE HIGH COURT ORDER AS OF 29.2.2012						
22.	Balance to be paid as of 29.2.2012	Col.21 – Col.20	Nil	Balance to be paid as of 29.2.2012	Col.21 – Col.20	Nil

Dated at Chennai this the 11th day of December 2020

ANNEXURE -B

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Appellate Side Jurisdiction)

C.R.P.No.3441 of 2018

The Executive Engineer,
Tamil Nadu Housing Board,
Tatabad, Coimbatore -12 .. Petitioner /Petitioner

Vs.

K.Venkatesh &
and others .. Respondents/ Respondents

CALCULATION MEMO FILED BY PETITIONER TAMIL NADU HOUSING BOARD AS PER HIGH COURT ORDER RS.2000/CENT

Calculation Statement for SF. No.48 & 49 to an extent of 330.56 cents			
S.No.	Description	Calculation	Amount
1.	Enhanced compensation Rs.2000/Cent for an extent of 330.56 cents	2000 x 330.56	6,61,120
2.	30% Solatium	661120 x 0.3	1,98,336
3.	12% Addl. Market Value 17.9.1983 to 6.5.1987	661120x0.12 x972/365 661120x0.12 x366/366	2,90,603
4.	Total		11,50,059
COMPENSATION AWARDED BY LAO			
5.	Land Value Rs.200/Cent for an extent of 330.56 cents	200 x 330.56	66,112
6.	30% Solatium	66112 x 0.3	19,834
7.	12% Addl. Market Value 17.9.1983 to 6.5.1987	66112 x0.12 x 972/365	29060

Calculation Statement for SF. No.48 & 49 to an extent of 330.56 cents			
		66112 x0.12 x366/366	
8.	Award Amount		1,15,006
BALANCE TO BE PAID AFTER DECUCTION OF AWARD AMOUNT			
9.	Balance to be paid	Col.4 – Col.8	10,35,053
INTEREST CALCULATION TILL THE DEPOSIT BASED ON HON'BLE HIGH COURT ORDER			
10.	9% Interest from 17.6.1987 to 16.6.1988	1035053 x 0.09	93,155
11.	15% Interest from 17.6..1988 to 29.2.2012	1035053 x 0.15 x 6569/365 1035053 x 0.15 x 2087/366	36,80,243
TOTAL COMPENSATION TO BE PAID AS PER HIGH COURT ORDER AS OF 29.2.2012			
12.	Balance to be paid after deduction of Award Amount	Col. 4 – Col.8	10,35,053
13.	9% Interest from 17.6.1987 to 16.6.1988	1035053 x 0.09	93,155
14.	15% Interest from 17.6.1988 to 29.2.2012	1035053 x 0.15 x 6569/365 1035053 x 0.15 x 2087/366	36,80,243
15.	Total Compensation to be paid		48,08,451
COMPENSATION AMOUNT DEPOSITED BY LAO BASED ON HON'BLE HIGH COURT ORDER			
16.	Compensation Amount Deposited		48,08,451
BALANCE COMPENSATION TO BE PAID BASED ON HON'BLE HIGH COURT ORDER AS OF 29.2.2012			
17.	Balance to be paid as of 29.2.2012	Col.21 – Col.20	Nil

Dated at Chennai this the 11th day of December 2020.

R.SUBRAMANIAN,J.

jv

Pre Delivery Order

CRP. (NPD) Nos.3440 & 3441 of 2018
and CMP Nos.19306/18, 23843 & 26488/19 in CRP 3440 of 2018
and CMP No.19311 of 2018 in CRP 3441 of 2018

07.01.2021