



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.04.2022

CORAM:

MR.JUSTICE N.SESHASAYEE

CRP.(NPD)NO.787 OF 2022
AND C.M.P.NO.3957 OF 2022

1.The Executive Engineer,
Tamil Nadu Housing Board,
Sathuvachari
Vellore - 632009

...Petitioner / Petitioner /
Third Party

Vs.

1.T.K.Narasiman.
S/o. Krishnaswamy.

...1st Respondent / Respondent /
Respondent / Claimant

2.The Special Tahsildar (Land Acquisition)
Housing Development
Vellore - 632 009.

...2nd Respondent / Respondent /
Respondent / Referring Officer

PRAYER : The Civil Revision Petition is filed under Article 227 of Constitution of India, to set aside the Fair Order and Decretal order dated 14.11.2017 passed in E.A No.93 of 2017 filed to set aside the order of attachment passed in E.P No.123 of 2013 in L.A.O.P. No.8 of 1988 dated 14.11.2017 on the file of the Special Subordinate Judge for L.A.O.P. Cases, Vellore pending disposal of this Civil Revision Petition.

For Petitioner : Mr.Neelankandan
Additional Advocate General

O R D E R

The Tamil Nadu Housing Board, the beneficiary of certain acquisition proceedings, is before the Court challenging an order of attachment passed in an execution proceedings taken out by the landowner vide order in E.P.No.123 of 2013.

2.The issue involved is about payment of interest on solatium. While the Reference Court by its decision dated 26 July 1990, has allowed the grant of interest on solatium at the rate of 12% per annum, on appeal, a Division Bench of this Court by its judgment dated 12 July 2001, issued the following clarification on the aspect of interest on solatium.



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"It is further made clear that the claimants are not entitled to interest on solatium and additional amount. Further, the issue regarding grant of interest on solatium is pending before the Larger Bench of the Hon'ble Supreme Court. Hence, depending on the outcome of the cross before the Supreme Court, the claimants are permitted to fill an appropriate petition before the concerned sub-court."

3. Heard Mr. Neelakandan, the learned Additional Advocate General appearing for the revision petitioner.

4. Without getting into the merit, this Court directs the Revision Petitioner to go with its calculation memo before the Execution Court, and also to deposit such amount which the Execution Court may direct it to deposit within the time stipulated by the Execution Court. There shall be an order of stay till this exercise is complete.

5. As outlined earlier, the first part of the responsibility of the execution Court is to determine the amount payable by the beneficiary/ revision petitioner herein and this exercise shall be completed within a period of two weeks from the date of communication of this order and the time for deposit of any amount which so determined to be paid by the revision petitioner will start thereon.

6. The Revision petitioner undertakes that he would not delay the filing of calculation and if any delay is committed, payment of any amount may be directed to be paid within the time stipulated by the Execution Court. If at any stage, the revision petitioner herein commits default what it has undertaken to perform, the stay would automatically get vacated.

7. This Court is conscious that notice is not directed to be served on the claimant. The very execution proceeding is for realising a certain sum and the interest of the claimant is to realise the said sum and the arrangement made in this order is nowhere going to affect the interest of the decree holder, since he will be entitled to receive the interest amount upto the date of deposit of such interest amount by the Revision Petitioner.

8. With the above direction, this Civil revision petition is disposed of at the admission stage itself. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

Sub Assistant Registrar

kas/dk



To.

The Special Subordinate Judge
Vellore

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+1cc to Mr.M.R.Sivakumar, Advocate, S.R.No.24192 (07/04/2022)

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& C.M.P.No.3957 of 2022

KJ(CO)
RVM(06/04/2022)