



WEB COPY



CRP.No.1433 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

CRP.No.1433 of 2019 and
CMP.No.9391 of 2019

1.S.Ezhumalai
2.E.Jothi @ Oli

... Petitioners

Vs.

The Deputy Collector(Revenue) North-cum-
Land Acquisition Officer,
Puducherry

... Respondent

PRAYER: Civil Revision petition is filed under Section 115 of CPC praying to set aside the fair and decretal order passed by the learned II Additional District Judge, Puducherry in IA.No.560 of 2018 in LAOP.No.3 of 2005 dated 03.01.2019 and to allow the revision.

For Petitioners : Mr.C.Samivel

For Respondent : Mr.A.Alexander,
Government Advocate(Puducherry)

ORDER

This civil revision petition has been filed to set aside the fair and decretal order passed by the learned II Additional District Judge, Puducherry in IA.No.560 of 2018 in LAOP.No.3 of 2005 dated 03.01.2019, thereby allowed



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the petition seeking amendment in respect of survey number and also award amount.

2. The respondent passed award under Land Acquisition Act for the land acquired, comprised in RS.No.188/3W/2 at Rs.4,319/-. It was referred under Section 30 of Land Acquisition Act under LAOP.No.3 of 2005. While pending enquiry, the respondent filed petition seeking amendment of the survey number and the extent of the property along with award amount. The court below in LAOP.No.3 of 2005 passed award dated 12.07.2013 for the extent of land acquired and also wrongly mentioned the extent of the land acquired and the survey number as 420 sq.ft. comprised in survey No.188/3W/2 and RS No.189/K/L/M situated at Village No.21, Pillaichavady. Whereas on perusal of records revealed that the Land Acquisition Officer acquired the land comprised in survey No.188/3W/2 to an extent of 00.00.25 hectares only. It comes to an extent of 269 sq.ft. only. Accordingly, award was passed only to the tune of Rs.4,319/-. In fact, land acquisition award was challenged before this Court in a writ petition and this Court referred the award for enhancement. It was also confirmed by the Division Bench of this Court. However, the petitioner failed to comply with the same and as such, the respondents filed contempt petition before this Court in Cont.P.No.2224 of 2017. The Hon'ble Division Bench of



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this Court by order dated 08.01.2019 clarified in detail and concluded that the land was acquired only in RS.No.188/3W/2 to an extent of 00.00.25 hectares (269 sq.ft.) to the tune of Rs.4,319/- alone. Therefore, the court below rightly allowed the petition seeking amendment and this Court finds no infirmity or illegality in the order passed by the court below. However, there is typographical mistake such that the trial court stated as Rs.4,139/- instead of Rs.4,319/-. The trial court is directed to dispose of the LAOP.No.3 of 2005 within a period of three months from the date of receipt of copy of this order.

3. In the result, this civil revision petitions stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

16.12.2022

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

lok

G.K.ILANTHIRAIYAN, J.

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To

- 1.The learned II Additional District Judge,
Puducherry
- 2.The Deputy Collector(Revenue) North-cum-
Land Acquisition Officer,
Puducherry

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16.12.2022