



C.R.P.No.1513 of 2022

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N.SESHASAYEE.J.,

Strange are issues that visit the Court and this one is not created by the litigants but by the Court below.

2.The petitioner has filed an instant C.R.P to dispose of L.A.O.P.No.5 of 2019 expeditiously and in the course of the hearing, this Court has come to realize that there is another connected L.A.O.P.No.4 of 2019 and, has therefore passed the following order:

"3.The learned Principal Subordinate Judge, Krishnagiri, is now required to dispose of LAOP Nos.4 and 5 of 2019 either jointly within a period of three months from today, and if there is any hiccup in proceeding with LAOP No.4 of 2019, then separate LAOP No.5 of 2019, and is required to proceed with the latter mentioned case and dispose of the same latest by August, 2022.

4.The learned counsel submitted that in LAOP No.5 of 2019, the claimant is 80 years old and she has taken out a memo for withdrawal of the sum deposited by the Land Acquisition Officer. The revision petitioner is now granted liberty to move the trial court with necessary application for withdrawal of such sum



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payable to her, which was deposited by the Land Acquisition Officer, pursuant to the award passed in the case."

3.Learned counsel submitted that L.A.O.P.No.5 of 2019 is a petition under Section 18 of the Land Acquisition Act, 1894, for seeking enhancement of the compensation paid. The admitted amount is in the Court deposit and the petitioner has taken out an application for withdrawing the amount deposited in the Court but that is being denied in view of the present order.

4.If the statement made by the learned counsel for the petitioner is accepted on its face value, then this Court has to indicate that there is nothing in this order regarding payment of compensation deposited by the Land Acquisition Officer in the Court. At the end of the day, the amount belongs to the claimant. Therefore, unless there is any dispute to be resolved between the petitioner in L.A.O.P.No.5 of 2019 and any other, this Court sees no reason as to why the amount in the Court deposit should not be disbursed to the claimant.

5.Technically, the submission made goes far beyond the scope of the revision and there is hardly anything to be clarified. However, denying the land owner of his



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compensation for reasons not justifiable in law would amount to violation of his human right. Therefore, this Court takes cognizance of the statement and requires the Tribunal below to disburse the amount lies in Court deposit in L.A.O.P.No.5 of 2019, if the claim for withdrawal is otherwise in order.

6. So far as the scope of the order earlier passed vide dated 28.04.2022 is concerned, this Court has already underscored that the joint trial is an option given and if the joint trial is likely to be delayed for some reason, necessarily the Court might have to go for separate trial. As this is already adequately indicated in the order, this Court does not require any further clarification on the matter.

09.02.2023

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Note to Office: Issue order copy on 10.02.2023



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