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C.R.P. (NPD) Nos.724 to 728 of 2016
C.R.P. (NPD) Nos.1506 to 1512 of 2016
& C.M.P. Nos.3740 to 3744 of 2016, 8274 to 8280 of 2016
13686 to 13690 of 2018 & 17316 to 17322 of 2018



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 11.04.2022

PRONOUNCED ON : 22 .06.2022

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

C.R.P. (NPD) Nos.724 to 728 of 2016
and C.R.P. (NPD) Nos.1506 to 1512 of 2016
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13686 to 13690 of 2018 and 17316 to 17322 of 2018

The Special Tahsildar (LA-III),
Tamil Nadu Housing Board,
Madras.

... Petitioner / Judgment Debtor
(in all C.R.Ps)

versus

Selvi Rekha

... Respondent / Decree Holder
(in C.R.P.No.724 of 2016)

S.Kamalchand Baid

... Respondent / Decree Holder
(in C.R.P.No.725 of 2016)

Mahendar

... Respondent / Decree Holder
(in C.R.P.No.726 of 2016)

Beena

... Respondent / Decree Holder
(in C.R.P.No.727 of 2016)

Selvan Vijayakumar

... Respondent / Decree Holder
(in C.R.P.No.728 of 2016)



Manju

... Respondent / Decree Holder
(in C.R.P.No.1506 of 2016)

S.Pannalal Baid

... Respondent / Decree Holder
(in C.R.P.No.1507 of 2016)

Padamchand Baid

... Respondent / Decree Holder
(in C.R.P.No.1508 of 2016)

Paras Kanwar

... Respondent / Decree Holder
(in C.R.P.No.1509 of 2016)

Rajendar

... Respondent / Decree Holder
(in C.R.P.No.1510 of 2016)

Prem Kanwar

... Respondent / Decree Holder
(in C.R.P.No.1511 of 2016)

Madanlal Baid

... Respondent / Decree Holder
(in C.R.P.No.1512 of 2016)

COMMON PRAYER: Civil Revision Petitions have been filed under Section 115 of Civil Procedure Code, against the fair and decreetal orders dated 18.09.2015 made in E.P.Nos.181, 182, 184, 185, 187, 183, 188, 191, 193, 194, 195 and 196 of 1993 in L.A.O.P.Nos.144, 145, 147, 148, 149, 146, 150, 153, 155, 156, 157 and 158 of 1985 respectively on the file of the Sub Court, Poonamallee.

For Petitioner	:	Mr.Mrs.Akila Rajendran, AGP.
For Respondent [in all C.R.Ps.]	:	Mr.P.R.Raman, Senior Counsel for Mr.C.Seethapathy Mr.P.Kumaresan, AAG Assisted by Mr.M.R.Sivakumar, for proposed respondents (TNHB)



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COMMON ORDER

These Civil Revision Petitions have been filed under Section 115 of Civil Procedure Code, against the fair and decreetal orders dated 18.09.2015 made in E.P.Nos.181, 182, 184, 185, 187, 183, 188, 191, 193, 194, 195 and 196 of 1993 in L.A.O.P.Nos.144, 145, 147, 148, 149, 146, 150, 153, 155, 156, 157 and 158 of 1985 respectively on the file of the Sub Court, Poonamallee.

2. Since the issue involved in all the Civil Revision Petitions are one and the same, they are all taken up together and a common order is passed.

3. The short facts, in a nutshell, are as follows:-

3.1. The respondents in all the Civil Revision Petitions would aver among other things in the affidavits filed in support of these Civil Revision Petitions that the lands measuring about 27.51 acres in Survey Nos.213/1 and 215/3 in Thiruvanmiyur Village in Mylapore Triplicane Taluk, Chennai District, were acquired by the Tamil Nadu Housing Board



for the purpose of providing house sites for Thiruvannamiyur Neighbourhood Scheme under the Tamil Nadu Land Acquisition Act, 1894. Thereafter, 4(1) Notification was published on 26.03.1975 and during the time of enquiry, the respondents raised objection for the land acquisition proceedings but it was overruled by the Board on 15.11.1977.

3.2. Accordingly, declaration of acquisition was published in Government Gazette on 23.03.1978 under Section 6 of the Land Acquisition Act for the enhanced compensation. The Land Acquisition Officer and Special Tahsildar, Tamil Nadu Housing Board, after careful consideration of the facts and circumstances of the case, awarded compensation to the land owners by Award No.2/82 dated 30.11.1982, fixed the market value of Rs.430/- per cent in Survey No.213/1 and Rs.137.84 per cent in Survey No.215/3.

3.3. Not satisfied with the award, the respondents herein had preferred L.A.O.P.Nos.144, 145, 147, 148, 149, 146, 150, 153, 155, 156, 157 and 158 of 1985 on the file of the Sub Court, Poonamallee, claiming



enhancement of compensation at the rate of Rs.18,000/- per cent. However, the lower Appellate Court had enhanced the compensation amount as Rs.3,000/- per cent.

3.4. Aggrieved over the same, the Government has preferred A.S.Nos.939, 940, 942, 943, 944, 941, 945, 948, 950, 951, 952 and 953 of 1989 and the same were dismissed on 22.12.1997. Subsequently, the Government has preferred appeal before the Hon'ble Supreme Court in S.L.P.Nos.12014 to 12093 of 1998, which was also dismissed.

3.5. Thereafter, the claimants had filed E.P.Nos.181, 182, 184, 185, 187, 183, 188, 191, 193, 194, 195 and 196 of 1993, in which, the Executing Court by order dated 18.09.2015 directed the judgment debtor/Government to deposit the award amount with future interest till date, within one month, failing which, attachment will be ordered. Challenging the same, the present Civil Revision Petitions have been preferred by the Government.



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5. Per contra, the learned Senior Counsel appearing on behalf of the respondents would submit that, the lower Appellate Court after considering each and every point raised by the Government meticulously and eventually, has come to the conclusion that the contention of the land owners, is a bona fide one and ultimately, enhanced the compensation amount, which was awarded by the Land Acquisition Officer. Therefore, he would submit that, no interference is required from any quarters to derail the well-considered judgment passed by the lower appellate Court and all the Civil Revision Petitions are liable to be dismissed. In support of his contentions, the learned Senior Counsel appearing for the respondents relied on the decision of the Hon'ble Apex Court in the case of **MURUGESA NAICKER vs. THE SPECIAL TAHSILDAR, LAND ACQUISITION (IV), MARAIMALAI NAGAR SCHEME** reported in **(1998) 3 CTC 293**.

6. Heard Mr.P.Kumaresan, learned Additional Advocate General for Mr.M.R.Sivakumar appearing for the petitioner / Judgment Debtor and Mr.P.S.Raman, learned Senior Counsel for Mr.P.R.Raman



appearing for the respondents/Decree Holders and perused the materials available on record.

7. It is seen from the records that, on 30.11.1982, the Special Tahsildar / Land Acquisition Officer has passed an award and that has been challenged by the respondents/claimants herein stating that the compensation amount awarded, is on the lower side. It was referred under Section 18 of the Land Acquisition Act, the same has been decided on 25.11.1987 and that the compensation amount is enhanced. Aggrieved over the same, the Government has preferred appeals in A.S.Nos.939, 940, 942, 943, 944, 941, 945, 948, 950, 951, 952 and 953 of 1989 before this Court and by judgment dated 22.12.1997, this Court dismissed the appeals preferred by the Government. Against which SLP Nos.12014 to 12093 of 1998 have been filed before the Honourable Supreme Court, which was also dismissed and therefore, the order passed by Sub Court, Poonamalee, in LAOP.Nos.144/85 to 158/85 has become final. Thereafter, claimants had filed Execution Petitions for recovery of amount and attachment.



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8. The Executing Court held that E.P., is pending from 1993 and directed to deposit the amount failing which attachment will be ordered on 04.11.2015.

9. It is not the case of the Government before the Executing Court that they have paid excess amount. Now only they raised the above ground as a new plea, which are not supported by any document. So, it is clear that the petitioner/Government without paying the enhanced award amount to the land owners, have resorted to file the above Civil Revision Petitions only to protract the proceedings. In such circumstances, this court is not inclined to interfere with the order dated 18.09.2015 passed by the EP Court.

10. Resultantly, all the Civil Revision Petitions are dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

22.06.2022

Index : Yes / No
sri/nvsri



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To

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Poonamallee.
- 2.The Special Tahsildar (LA-III),
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J.NISHA BANU, J.

sri/nvsri

Pre-Delivery Common Order made in
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