



WEB COPY



1

CRP.No.3407 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2022

CORAM:

THE HON'BLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 3407 of 2019

K.K. Anand
Petitioner

...

Versus

The Special Tahsildar,
(Land Acquisition),
Adi Dravidar Welfare Department,
Mysore Trunk Road,
Rangasamudram,
Sathyamangalam.

...Respondent

Prayer: Civil Revision Petition is filed under Article 227 of the Constitution of India, to set aside the fair and decretal order dated 01.08.2019 made in I.A.No.2547 of 2018 in C.M.A. No.7 of 2007 on the file of the IIIrd Additional District & Sessions Court, Erode at Gobichettipalayam.



For Petitioner : Mr. K. Govi Ganesan
For Respondent : Mr. B. Tamil Nidhi
(Additional Govt. Pleader (CS)).

ORDER

This Civil Revision Petition has been filed by the petitioner/defendant seeking to set aside the fair and decretal order dated 01.08.2019 made in I.A.No.2547 of 2018 in C.M.A. No.7 of 2007 on the file of the IIIrd Additional District & Sessions Court, Erode at Gobichettipalayam.

2. The petitioner herein is the claimant and the respondent herein is the land acquisition officer in C.M.A. No.7 of 2007.

3. The case of the petitioner is that the land of the petitioner has been taken away by acquisition proceedings. Not satisfied with the award amount, the petitioner has filed CMA No.7 of 2007 claiming for enhancement of compensation before the IIIrd Additional District and Sessions Court, Gobichettipalayam. The Court below by its order dated 21.01.2016 enhanced the compensation to the tune of Rs.4,00,000/- per acre from Rs.22,000/-. Being aggrieved by the aforesaid order, the



respondent herein has filed appeal with a petition of condone delay of 297 days in CMP No.5026 of 2017 in SA. SR. No.15702 of 2017 before this Court. This Court by its order dated 17.03.2017 directed the respondent to deposit 50% of the award amount with interest at the rate of 6% per annum and costs to the credit of L.A.C.M.A. No.7 of 2007 on the file of the learned III Additional District and Sessions Court, Gobichettipalayam. Despite the aforesaid direction of this Court, the respondent has not deposited the conditional payment. Hence, this Court by its order dated 08.03.2018 dismissed the petition in CMP No.5026 of 2017 in S.A. SR No.15702 of 2017. Under such circumstances, the petitioner has filed I.A. No.2547 of 2018 in C.M.A. No.7 of 2007 before the Court below seeking permission to withdraw the deposit amount of Rs.19,09,708/- with accrued interest. The same was dismissed by order dated 01.08.2019 citing the specific order dated 17.03.2017 passed by this Court that the amount directed to be deposited shall not be permitted to withdrawn without the leave of this Court. Being aggrieved by the aforesaid dismissal order, the claimant/petitioner herein has filed the present Civil Revision Petition seeking to set aside the same.

4.The learned counsel for the petitioner would submit that the



condition stipulated in the order dated 17.03.2017 passed in CMP No.5026 of 2017 in S.A.S.R. No.15072 of 2017 has no force as the said CMP was dismissed by an order dated 08.03.2018 and there is no impediment for payment. Further, the respondent herein in the communication dated 31.07.2019 in Na.Ka.No.597 of 2003/A has informed that there is no order for non-releasing the award amount deposited in the Court below. While being so, the Court below has erroneously dismissed the rightful prayer of the petitioner herein. Hence, he seeks to set aside the same.

5. The learned Additional Government Pleader for the respondent would submit that challenging the dismissal order dated 08.03.2018 passed by this Court in C.M.P. No.5026 of 2017 in S.A.S.R. No.15702 of 2017, no appeal has been filed. Further, the entire award amount for the land acquisition proceedings has been deposited to the credit of IIIrd Additional District and Sessions Court. There is no objection to withdraw the award amount by the petitioner herein deposited in the Court below.

6. Heard the learned counsel for the petitioner and the learned



Additional Government Pleader as well as perused the materials available on record.

7. Having considered the fact and circumstances of the case and submissions of the learned counsel on either side, it makes clear that the respondent has not preferred any appeal against the dismissal order dated 08.03.2018 passed by this Court and thereafter, the respondent has also deposited the entire award amount to the credit of IIIrd Additional District and Sessions Court for the land acquisition proceedings.

8. In view of the above, the Court below is hereby directed to pay the entire award amount deposited by the respondent in CMA. No.7 of 2007 to the petitioner in the manner known to law. The petitioner is hereby directed to withdraw the same on filing an appropriate application before the Court below within a period of four weeks. On withdrawal of the entire award amount, E.P. No.43 of 2012 pending before the Sub-Court shall be dismissed as full satisfaction.

T.V.THAMILSELVI, J.



WEB COPY

Lbm

9. With the aforesaid directions, this Civil Revision Petition stands disposed of. No costs.

28.09.2022

Lbm

Index : Yes/No

Speaking Order : Yes/No

To

1. The IIIrd Additional District & Sessions Court,
Erode at Gobichettipalayam.
2. The Section Officer, V.R.Section
High Court, Madras.

C.R.P.No. 3407 of 2019