



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.02.2022

Coram

The Hon'ble Mr. Justice **C.V.KARTHIKEYAN**

C.R.P.NPD.No.450 of 2017

and

C.M.P.No.2141 of 2017

The Executive Engineer & Administrative Officer,
Erode Housing Unit,
Tamil Nadu Housing Board,
Erode

... Petitioner

Vs

M.Nachimuthu (died)
1.Karuppayammal
2.Pavayammal
3.The Special Tahsildar,
Land Acquisition-Neighbourhood Scheme,
Erode.

... Respondents

Civil Revision Petition filed under Article 227 of the Constitution of India, against the order dated 09.04.2015 in E.P.No.15 of 2008 in LAOP.No.43 of 1987 on the file of the I Additional Sub Court Erode.

For Petitioner

..

Mr.M.R.Sivakumar

For R2

..

Mr.M.Guruprasad

For R3

..

Dr.S.Suriya,
Additional Govt. Pleader

**ORDER**

WEB COPY This Civil Revision Petition has been filed questioning an order dated 09.04.2015 in E.P.No.15 of 2008 in LAOP No.43 of 1987.

2. The learned counsel for the respondents / claimants in the Land Acquisition Original Proceeding expressed grievance over the long delay and slow meandering in which the case has progressed. It is stated that the Execution Petition was of the year 2008. But unfortunately, it is insisted by the learned Additional Advocate General Mr.P.Kumaresan, that attachment which is now questioned has been passed without any notice.

3. It would only be appropriate that the parties are heard by the execution Court namely, I Additional Subordinate Court, Erode and then a considered order is passed. Without entering into a discussion on any of the rival claims raised, particularly with respect to the calculation of the date from which the 30% solatium should be calculated, let me remand the matter back to the Court of I Additional Sub Judge, Erode, with a direction that E.P.No.15 of 2008 may be taken up and final orders passed after hearing both sides and after taking into account the statement of calculations filed by both the sides. The said Court may give a quietus to the entire issue on or before 30.06.2022.

4. I am consciously not entering into the discussion of the facts as



prima facie, attachment of ambassador car, fans, tube lights and steel bureaus in the office of the Special Tahsildar, Land Acquisition-Neighbourhood Scheme, would not effectively be of any use to the respondents herein. Let a considered order be passed ensuring that the award is satisfied by the petitioner herein. The respondents / decree holder is granted permission to implead all necessary parties in the Execution Petition.

5. With the above directions, the present Civil Revision Petition is allowed by setting aside the order dated 09.04.2015 in E.P.No.15 of 2008 in LAOP No.43 of 1987 passed by the I Additional Sub Judge Erode and remanding EP.No.15 of 2008 back to the said Court for fresh consideration in manner known to law and to dispose it on or before 30.06.2022. No costs. Consequently, connected Miscellaneous Petition is closed.

15.02.2022

Internet: Yes/No
Index: Yes/No
smv

To

The I Additional Sub Court, Erode.



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4

C.V.KARTHIKEYAN, J.

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