



PRAYER: Civil Revision Petition under Section 115 of Civil Procedure Code, to call for the records in E.A.No.243 of 2017 in E.P.No.75 of 2016 in L.A.O.P.No.3 of 2000 on the file of the learned Sub-Court, Palani, dated 23.07.2018 and set aside the same.

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For Petitioner :Mr.M.Sarangan,
Additional Government Pleader

For Respondent :Mr.V.Balaji

COMMON ORDER

These Civil Revision Petitions have been filed to set aside the fair and decreetal order, dated 23.07.2018 in E.A.No.243 of 2017 in E.P.No.75 of 2016 in L.A.O.P.No.3 of 2000 passed by the learned Subordinate Judge, Palani, Dindigul District.

2.The parties are referred to as per the rank mentioned before the Court below.

3.The application in E.A.No.243 of 2017 has been filed by the petitioner to reconsider the order passed in E.P.No.75 of 2016 in L.A.O.P. No.3 of 2000, dated 27.11.2017.

"(*)4.Originally, the petition in L.A.O.P.No.3 of 2000 was filed by the revision petitioner seeking enhancement of compensation and the same was allowed on 16.07.2004 by the learned Subordinate Judge, Palani. The said order was confirmed by an order of this Court in A.S.Nos.15 of 2007 and 123 of 2005, dated 04.03.2016 and also confirmed by the Hon'ble Apex Court in S.L.P.Nos.3116 - 3117 of 2017, dated 17.02.2017.

5.The petition in L.A.O.P.No.3 of 2000 was decreed and the award amount with interest has to be paid as per law.

6.The revision petitioner has filed to amend the decree and the decree was also amended and interest was granted from date of taking possession i.e., on 15.05.1971.

7.The learned Subordinate Judge, Palani, has passed an order in E.P.No.75 of 2016 in L.A.O.P.No.3 of 2000 behind the decree. So, the revision petitioner has filed a review application in E.A.No.243 of 2017 and the same was partly allowed. Aggrieved by the said order, both parties have filed these Civil Revision Petitions.

8.As per calculation memo in E.P.No.75 of 2016 in L.A.O.P.No.3 of 2000, the compensation comes around Rs.30,93,07,528.82/-. Already, the respondent had deposited certain amount towards compensation and calculated the balance award amount as Rs.29,00,17,197/-.



9. After careful consideration, the calculation memo filed by the Government before the Court below in E.P.No.75 of 2016 is found to be correct, even though they took new plea in E.A.No.243 of 2017.

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10. C.R.P. (MD) No.1033 of 2020 has been filed by the Government to challenge the order of review in E.A.No.243 of 2017 in E.P.No.75 of 2016 in L.A.O.P.No.3 of 2000, on the ground that the original decree is to be considered. But, the Government has not challenged the amendment of decretal order.

11. Both the Civil Revision Petitions are partly allowed by modifying the fair and decretal order, dated 23.07.2018 in E.A.No.243 of 2017 in E.P.No.75 of 2016 in L.A.O.P.No.3 of 2000 passed by the learned Subordinate Judge, Palani, Dindigul District. The respondent/land acquisition officer is directed to deposit a compensation amount of Rs.29,00,17,197/- after deducting the amount already deposited with 15% interest from the date of Execution Petition till the date of deposit, within a period of six months, from the date of receipt of copy of the order".

Sd/-

(*) Corrected as per the order of this Court dated 04/04/2022 made in CRP (MD) Nos. 57 of 2019 & 1033 of 2020

Assistant Registrar (CS II)

// True Copy //

/ /2022

Sub Assistant Registrar (CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To
The Subordinate Judge,
Palani,
Dindigul District.

+1 CC to M/s.V.BALAJI, Advocate (SR-10892[F] dated 09/03/2022)

C.R.P. (MD) Nos.57 of 2019 &

1033 of 2020

08.03.2022