



C.R.P. No. 1718 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

C.R.P.No. 1718 of 2022

and

C.M.P. No. 674 of 2023

The Special Tahsildar,
Gudiyattam,
Vellore Dt.

... Petitioner

Vs

K.Pandian

... Respondent

PRAYER : Civil Revision Petition filed under Art. 227 of Constitution of India, praying to set aside the docket order dated 30.03.2022 passed by the Hon'ble Special Subordinate Judge (LAOP), Vellore in E.P. No.11 of 2021 in L.A.O.P. No. 507 of 2013.

For Petitioner : Mr.R.Ramanlaal,
Addl. Advocate General
assisted by
Mr.P.Harish, Govt. Advocate.

For Respondent : Mr.D.Rajagopal



C.R.P. No. 1718 of 2022

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ORDER

Originally, challenging the docket order dated 30.03.2022 passed in E.P. No. 11 of 2021 in L.A.O.P. No.507 of 2013 on the file of Special Subordinate Judge (LAOP), Vellore, the Revision Petitioner filed the Civil Revision Petition and this court by an order dated 11.05.2022 raised the order of attachment pursuant to the proceedings directing payment of compensation of more than Rs.4 crores and accordingly, stayed the impugned order subject to the condition that the District Collector, Vellore shall maintain a credit balance of not less than Rs.2 crores in the said account until the matter is heard.

2. Today when the matter taken up for hearing the contention of the petitioner/Special Tahsildar is that they are taking steps to prefer an appeal against the award passed by the trial judge in the said L.A.O.P., however, there is a delay of 2263 days in filing the appeal, but they preferred an appeal before this court and the same is not yet numbered. In the



C.R.P. No. 1718 of 2022

meanwhile, the respondent/claimant preferred an Execution Petition in E.P.

No. 11 of 2021 and attempted to attach the accounts of District Collector in the execution proceedings as the entire award amount was not deposited by the Garnishee. Considering the submissions made by the learned Government Pleader, the Division Bench of this court passed an order to deposit the entire amount together with accrued interest within a period of six weeks from the date of order i.e. from 01.09.2022 and the claimant was permitted to withdraw 60% of the amount deposited, especially, the E.P. proceedings was stayed. Now, the respondent/claimant had preferred a petition in C.M.P. No. 674 of 2023 to vacate the stay stating that the Petitioner/Special Tahsildar has not complied the order and the said deposit was not made by them within a time as directed by the Division Bench of this court. Hence, he prayed to vacate the stay.

3. The learned counsel for petitioner/Special Tahsildar would submit that since the petitioner is a Government office, there is a delay in depositing the amount and they have deposited 75% of the amount along with accrued interest i.e. a sum of Rs.3,25,86,406/- in the month of



C.R.P. No. 1718 of 2022

December 2022, but in fact, the order was passed only in the month of September 2022. However, due to the change in the Registry, the appeal was not yet numbered and they are taking steps to number the Appeal Suit. He would also submit that the award passed by the reference court was highly exorbitant and they are having valid defence to contest the award passed by the reference court. Hence, he prayed to allow this Civil Revision Petition.

4. Heard the rival submissions of learned Addl. Advocate General appearing for Revision Petitioner as well as learned counsel for respondent and perused the records.

5. Considering the fact that now they have complied the order passed by this court by depositing the amount, this Court is inclined to raise the attachment order passed by the trial court in E.P. No. 11 of 2021. Accordingly, this Civil Revision Petition is allowed and the order passed by the Execution Court is set aside. However, the Execution Court is directed not to proceed with the E.P. for another twelve weeks and before that, the



C.R.P. No. 1718 of 2022

Registry is directed to number the appeal if it is otherwise found to be in order. With the above direction, the attachment is raised. Furthermore, in view of the order passed in C.M.P. No. 8656 of 2022 raising order of attachment, the vacate stay petition filed by the claimant in C.M.P. No. 674 of 2023 is dismissed. No costs.

07.03.2023

Index : Yes/No
Internet: Yes/No
Speaking/Non Speaking order
rpp

To

Special Subordinate Judge (LAOP),
Vellore.



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C.R.P. No. 1718 of 2022

T.V.THAMILSELVI, J.

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C.R.P. No. 1718 of 2022
and C.M.P. No. 674 of 2023

07.03.2023