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Rev. Appl. No. 170 of 2023
against A.S.No.644 of 2006

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2023

CORAM

THE HONOURABLE MRS. JUSTICE T.V.THAMILSELVI

Rev. Appl. No. 170 of 2023
against
A.S. No.644 of 2006

Lingammal (died) by L.R.s

1. S.Gnanamani
2. P.S.Kothandaraman
3. S.Sivagami
4. S.Senthil Kumar

... Petitioners

Versus

The Special Tahsildar (LA),
Adi-Dravidar Welfare,
Tirupattur, Vellore Dt.

... Respondent

Prayer:- Review Application has been filed under Order 47 Rule 1 r/w 114 of Civil Procedure Code, against the order of this Hon'ble Court dated 16.04.2010 in A.S.No.644 of 2006.

For Petitioners : Mr.M.Selvam

For Respondent : Mr.T.Sampathkumar,
Govt. Advocate



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ORDER

The Review Applicant filed this Review Application to review the order passed by this Court in A.S.No.644 of 2006 for the reason that since she has not filed cross-objections, the amount was not enhanced from Rs.12/- to Rs.17/- per sq.ft.

2. On considering the earlier order passed by this court in paras 4 and 5, it reveals that the Review Applicant has not filed cross-objections. Therefore, the market value of the land was fixed at Rs.12/- per sq.ft., but in the same acquisition, for the nearby land in Survey No.120/2, a sum of Rs.17/- per sq.ft. was fixed. Admittedly, survey number belong to Review Applicant in Survey No.294/13A is situated in the same village. Since because she has not filed cross-objections, the claim was not enhanced. However, for the same acquisition proceedings, the market value of land was fixed at Rs.17/- per sq.ft.



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3. The learned counsel for respondent raised objection stating that already amount was deposited and the same was withdrawn. He would further submit that there is no scope for reviewing the findings of this court. Hence, he prayed to dismiss this application.

4. On perusal of entire order passed by this court in A.S.No.644 of 2006, it reveals that in respect of award No.1/90-91, the market value of land was fixed at Rs.17/- per sq.ft., on the other hand, for the land acquired from the petitioner, the market value of land was fixed at Rs.12/- per sq.ft. Therefore, there is variation of a sum of Rs.5/- per sq.ft. and the same is to be enhanced, since because all the lands were acquired under one notification. Hence, to review the said findings, the present Review Application was filed. If the market value of the land is not enhanced, the appellant will be put into much hardship. Accordingly, this Review Application is allowed and the market value of the land was enhanced from Rs.12/- to Rs.17/- per sq.ft. No costs.

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T.V.THAMILSELVI, J.

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