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*CMP No.14819 of 2023
in AS SR No.1791 of 2023*

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R.SUBRAMANIAN, J.
and
R.SAKTHIVEL, J.

(Order of the Court was made by R.SUBRAMANIAN, J.)

The petitioner seeks leave to prosecute the Appeal as an indigent person. The Appeal is sought to be filed seeking enhancement of the compensation that was granted by the Sub Court, Villupuram in LAOP No.61 of 2007, granting compensation at Rs.20.10 paise per square feet.

2. The main ground on which the appeal is sought to be filed is that by a subsequent order made in LAOP No.95 of 2007 passed on 28.04.2018, the Sub Court, Villupuram had awarded a sum of Rs.500/- per square feet for the similar lands acquired under the very same notification to the sibling of the appellant. It is also brought to our notice that despite an order of attachment having been passed in EP No.140 of 2017 on 31.01.2018, the respondent Tamil Nadu Housing Board has not paid even the compensation awarded by the Trial Court in LAOP No.61 of 2007.



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3. Pursuant to the notice issued by this Court in this Petition, the District Collector has filed a Report stating that the petitioner is not possessed of any other property except a house property viz. a residential apartment measuring 1324 square feet with 324 square feet of undivided share in the lands. It is also stated that their living standards are that of a middle class people. While it is also conceded that the appellant is not having any income and whatever was paid as compensation was spent on the marriage of the daughter.

4. It is not necessary that the person should be a pauper for being permitted to sue as an indigent person. Indigency is a relative term which depends on the ability of the person to raise Court Fee. The Court Fee payable in the Appeal is shown to be somewhere near Rs.9,72,130/-. The value of the house owned by the petitioner is shown as Rs.19,44,000/-. The petitioner cannot be forced part with the only roof which he has in order to pay the Court Fee to prosecute the Appeal, more so, when an arm of the Government viz., The Tamil Nadu Housing Board has not chosen to pay the compensation which was determined in the year 2011 for over 13 years, even after having been penalized with cost of Rs.50,000/- by this Court, we deem it fit to permit the appellant to prosecute the Appeal without payment of Court Fee.



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5. Hence this petition is allowed. It will be open to the Government to seek recall of this Order, if the Tamil Nadu Housing Board pays the compensation payable to the petitioner as directed in the Execution Proceedings in EP No.140 of 2017.

**[R.S.M., J.] [R.S.V., J.]
29.07.2024**

jv



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