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C.R.P.No.1002 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE A.D.JAGADISH CHANDIRA

C.R.P.No.1002 of 2024

P.S.Krishnaraj (Died)

1. Cangaradjou

2. Rajeswari @ Santha

3. Gnanalatchoumy @ Radabaye

... Petitioners

Vs

The Land Acquisition Officer,
Revenue Department,
Puducherry.

... Respondent

PRAYER : Civil Revision Petition filed under Section 115 of Code of Civil Procedure, pleased to set aside the fair and decretal order passed by the Principal District Judge, Puducherry on 05.03.2021 in E.P.No.99 of 2017 in LAOP.No.4 of 2001.

For Petitioners : Mr.B.Kumar, Senior Advocate
for Ms.R.Poornima

For Respondent : Mr.P.S.Kothandaraman
Government Advocate (Puducherry)



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ORDER

This Civil Revision Petition has been filed by the petitioner against the order passed by the Principal District Judge, Puducherry on 05.03.2021 in E.P.No.99 of 2017 in LAOP.No.4 of 2001.

2. The brief facts of the case is that the petitioners are the land owners/claimants in LAOP.No.4 of 2001 before the Principal District Court, Puducherry. The Land Acquisition Tribunal has awarded a sum of Rs.12,35,263.35/- towards the compensation for the land acquired. Thereafter, the respondent herein had approached this Court in A.S.No.61 of 2002 and this Court, by a judgment dated 28.03.2016, had dismissed the appeal and enhanced the compensation and awarded a sum of Rs.56,54,686/-. Since the respondent had not complied with the order and deposited the amount, the petitioners have preferred an execution petition in E.P.No.99 of 2017 along with the calculation memo and as per the calculation memo, the amount which was due to the petitioners as on 18.12.2019 is Rs.39,07,440.75/-. In the said execution petition, the respondent had submitted that they had deposited the entire amount and based on the submission



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made by the respondent, the learned Principal District Judge, by an order dated 05.03.2021, had dismissed the Execution Petition. Aggrieved over the same, the present Civil Revision Petition has been filed.

3. Learned Senior Counsel appearing for the petitioner submitted that the Executing Court, without conducting an enquiry and without recording any finding with regard to the satisfaction of the decree, had dismissed the Execution Petition. He further submitted that the learned trial Judge had not taken into consideration the memo of calculation filed by the petitioners and thereby, he prayed to set aside the order by the Principal District Judge, Puducherry on 05.03.2021 in E.P.No.99 of 2017 in LAOP.No.4 of 2001.

4. In reply, learned Government Advocate (Puducherry) appearing for the respondent submitted that the respondent had deducted the amount which was paid towards TDS, however, he would fairly concede that there is no finding with regard to the satisfaction of the decree. He further submitted that the respondent had settled the amount deducting the TDS paid to the Government.



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5. Heard both sides and perused the materials available on record.

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6. On perusal of records, it is seen that the Executing Court has not recorded any finding with regard to the memo of calculation and the amounts paid by the respondent. This Court is of the opinion that the order, without recording a finding with regard to the amount claimed in the Execution Petition and the amount deposited by the respondent, is not proper.

7. In view of the above, this Civil Revision Petition stands allowed and the order by the learned Principal District Judge, Puducherry on 05.03.2021 in E.P.No.99 of 2017 in LAOP.No.4 of 2001 is hereby set aside and the matter is remitted back to the Executing Court. The learned Principal District Judge, Puducherry shall conduct proper enquiry and dispose of the execution petition by passing a reasoned order recording a finding with regard to the amount claimed by the petitioner and the amounts paid by the respondent, as expeditiously as possible, preferably, within a period of **eight weeks** from the date of receipt of a copy of this order. No costs.

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Index : Yes / No

Neutral Citation : Yes / No

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Note : Registry is directed to return the original papers to the petitioner's counsel forthwith.

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To

The Principal District Court, Puducherry



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A.D.JAGADISH CHANDIRA, J.

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