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C.R.P.Nos.1316, 1317 & 1318 of 2021

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 16.02.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE S.SOUNTHAR**

**CRP.No.1316, 1317,& 1318 of 2021 and**  
**C.M.P.No.10268, 10269, 10270 of 2021**

M/s.Neyveli Lignite Corporation Limited,  
Represented by its Secretary,  
(Presently M/s.NLC India Limited corporate office,  
Neyveli-607 801. ... Petitioner in all C.R.P.'s

**Vs.**

1.The Special Tahsildar No.1  
Land Acquisition  
Neyveli-607 802  
Abdul Jabbar (died)  
2.Ayesha Bee  
3.Muhamed Rasul  
4.Muhamed Salim  
5.Abdul Rahman  
6.Abdul Akbar

...Respondents in C.R.P.No.1316 of 2021

1.The Special Tahsildar No.1  
Land Acquisition  
Neyveli-607 802

2.Mr.Mohammed Rasul

... Respondents in C.R.P.No.1317 of 2021



1.The Special Tahsildar No.1  
Land Acquisition  
Neyveli-607 802

2.Mr.Abdul Rahman .....Respondents in C.RP.No.1318 of 2021

**PRAYER in C.R.P.No.1316 of 2021:**Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decreetal order dated 30.07.2020 passed in I.A.No.323 of 2017 in L.A.O.P.No.354 of 2008 on the file of the Special Sub-ordinate Judge for LAOP cases, Cuddalore.

**PRAYER in C.R.P.No.1317of 2021:**Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decreetal order dated 30.07.2020 passed in I.A.No.304 of 2017 in L.A.O.P.No.355 of 2008 on the file of the Special Sub-ordinate Judge for LAOP cases, Cuddalore.

**PRAYER in C.R.P.No.1318 of 2021:**Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order and decreetal order dated 30.07.2020 passed in I.A.No.324 of 2017 in L.A.O.P.No.356 of 2008 on the file of the Special Sub-ordinate Judge for LAOP cases, Cuddalore.



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**In C.RP.No.1316 of 2021**

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For Petitioner : Mr.N.Nithianandam  
For Respondent 1 :Mr.V.Jeevagiridharan  
Additional Government Pleader  
For Respondents 2 to 6 : Served-No appearance

**In C.RP.Nos.1317 &1318 of 2021**

For Petitioner : Mr.N.Nithianandam  
For Respondent 1 :Mr.V.Jeevagiridharan  
Additional Government Pleader  
For respondent 2 : No appearance

**COMMON ORDER**

These Civil Revision Petitions are filed challenging the orders passed by the Court below allowing the applications filed by the contesting respondents seeking to condone the delay of 2100 days in filing petition to restore the main LAOP's which were dismissed for default.

2. When the civil revision petitions are taken up for hearing, the learned counsel for the petitioner confined his argument with regard to the objection raised by the petitioner regarding calculation of interest in respect of the delay period. The learned counsel submitted that petitioner cannot be directed to pay



interest for the huge delay period of 2100 days. In support of his contentions, the learned counsel relied on the order passed by this Court in the case of ***Neyveli Lignite Corporation Limited, Rep., by its Secretary, (presently M/s.NLC India Ltd., Neyveli 607 801, Cuddalore District Vs The Special Tahsildar No.15, Land Acquisition, Neyveli 607 802 and Others in CRP(PD).No.424, 425 &571 of 2018 dated 11.12.2020.***

3. Though the contesting respondents/claimants are served and their names appeared in the list, there is no representation.

4. A perusal of the affidavit filed in support of the condone delay petition would indicate that in all the cases, the reasons assigned by the contesting respondents/claimants for explaining the delay is not due to the fault of the petitioner herein. When the delay is not occasioned due to any fault committed by the petitioner, it is not appropriate to direct the petitioner to pay interest for the delay period which had occasioned due to act or omission by the contesting respondents.



5. This Court, in the above mentioned case law while holding that petitioner corporation which is a regulation body cannot be directed to pay interest for the delay period observed as follows:-

*“7. No doubt the order dismissing the applications was a mistake committed by the Court but if the Court had proceeded to determine the compensation on merits in the absence of any evidence from the land owners their position would have been still worse. The delay in seeking restoration was not a mistake of the Court. Therefore, I find that, though the Trial Court was right in restoring the LAOP's, it was not justified in rejecting the request of the Corporation to disallow interest for the delay period. I am therefore of the considered opinion that these civil revision petitions should be partly allowed, setting aside the observation of the Trial Court rejecting the claim for disallowing of interest for the delay period by the Corporation”*

6. In the case on hand also, the delay is not due to the fault of the petitioner corporation or due to the fault of the Court. In such circumstances, the respondent/claimants cannot expect the petitioner corporation to pay



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interest for the delay which had occurred due to reasons which are not connected with the petitioner corporation. In such circumstances, it is clarified that the petitioner is not liable to pay interest for the delay period (i.e., 03.02.2012 to date of filing of restoration petition).

7. With these clarifications, the Civil Revision Petitions are disposed of.

No costs. Consequently, connected miscellaneous petitions are closed.

**16.02.2024**

Index : Yes / No

Internet : Yes / No

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To

The learned Special Sub-ordinate Judge for LAOP cases,  
Cuddalore.



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**S.SOUNTHAR, J.**

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**16.02.2024**