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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date: 23.10.2024

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

**C.M.P.Nos.11816, 11827, 11829, 11833, 11835, 11837, 11841, 11914,
11934, 11935, 11938, 12724, 12785, 12786, 12789, 12790, 12791, 12793,
12794, 12795, 12798, 12799 & 12803 of 2023**

in

**A.S.Nos.950, 952, 1002, 1003, 1008, 1010, 1012, 1013, 1014, 1015, 1017,
1023 of 2019, 46, 47, 51, 52, 343, 344, 345, 352, 362, 364, 365 of 2020**

C.M.P.No.11935 of 2023 in A.S.No.950 of 2019

Kaliyaperumal : Petitioner/Respondent

Vs.

1. The Special Tahsildar (L.A)
Unit II Arasu Cements Factory,
Ariyalur. : 1st Respondent/Appellant.
2. The Managing Director,
Arasu Cement Corporation,
No.735, III Floor, LLA Building,
Annasalai,
Chennai.
3. The Deputy General Manager,
Arasu Cements Factory,
Ariyalur. : Respondents 2 &3/Respondents 2 &3

PRAYER: Petition filed under Section 41, Rule 21 r/w. Section 151 of CPC



seeking set aside the Judgment and Decree dated 20.12.2019 made in A.S.No.950 of 2019.

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For Petitioner	:	Mr.R.Gokulakrishnan
For R1	:	Mrs.R.Anitha
		Special Government Pleader (AS)
For R2 & R3	:	Mr.A.Sivaji (for TANCEM)

COMMON ORDER

All the above Civil Miscellaneous Petitions have been filed seeking to set aside the Judgment and Decree made by this Court in A.S.Nos.950, 952, 1002, 1003, 1008, 1010, 1012, 1013, 1014, 1015, 1017, 1023 of 2019, 46, 47, 51, 52, 343, 344, 345, 352, 362, 364, 365 of 2020 inasmuch as the said judgment and decree were made without hearing the Petitioners.

2. When the cases were taken up for hearing, the learned Special Government Pleader (AS) Mrs.R.Anitha submitted that as the matter is covered by the judgment dated 29.01.2024 of this Court in A.S.No.916 of 2019 and Cross Objection No.96 of 2021 etc. batch and the value fixed by the Reference Court was enhanced from Rs.1,200/- per cent to Rs.1,500/- per cent, the prayer sought in all these Civil Miscellaneous Petitions has become infructuous and the same may be dismissed as having become infructuous.



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3. By the aforesaid judgment dated 29.01.2024 of this Court in A.S.No.916 of 2019 and Cross Objection No.96 of 2021 batch cases, this Court had dismissed the Appeal Suits and allowed the Cross Objections whereby the value fixed by the Reference Court was enhanced from Rs.1,200/- per cent to Rs.1,500/- per cent. The findings of the Reference Court were confirmed and since the land was acquired long back, the Government was directed to pay the balance amount within a period of eight (8) weeks from the date of receipt of the copy of that judgment.

4. Subsequently, another batch of cases in A.S.No.867 of 2018 was heard by another Bench, based on which, C.M.Ps. were filed by land losers in which Thiru.A.Sivaji, learned Counsel appeared for TANCEM through virtual mode and sought four months time for deposit of the amount.

5. As per the judgment dated 29.01.2024 passed in A.S.No.916 of 2019 and Cross Objection No.96 of 2021 etc. batch and subsequent judgment dated 23.08.2024 passed in batch of cases in A.S.No.867 of 2018, the compensation fixed by this Court at Rs.1,500/- per cent is confirmed in the batch of cases in A.S.No.238 of 2020 vide judgment dated 05.09.2024.



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6. Therefore, as the matter is covered by the judgment of this Court in a batch of Appeals in A.S.No.916 of 2019 and A.S.No.238 of 2020, these petitions seeking to set aside the Judgment and Decree passed in all the above Appeals and to re-hear the Appeals dose not arise.

7. In the light of the above observation, all the Civil Miscellaneous Petitions are dismissed as having become infructuous. However, considering the request of the learned Counsel appearing for the TANCEM, a reasonable period of four months time is granted for deposit of the amount as per the order dated 29.01.2024 in A.S.No.916 of 2019 etc. batch.

23.10.2024

SRM

Index : Yes/No

Speaking/Non-speaking order

SATHI KUMAR SUKUMARA KURUP, J.



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SRM

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