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C.R.P.No.1997 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.03.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.No.1997 of 2017

and

C.M.P. No.9671 of 2017

The Company Secretary,
Neyveli Lignite Corporation Limited,
(Presently M/s. NLC India Limited)
Neyveli – 1.

... Petitioner

Vs.

Lakshmanan S/o. Ponnusamy

...Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, praying to set aside the order of the learned Special Sub Judge for Land Acquisition cases, Cuddalore dated 15.06.2017 made in E.P. No.8 of 2016 in L.A.O.P. No.4 of 2013.

For Petitioner : Mr.N. Nithianandam

For Respondent : Mr. V. Anand



ORDER

This Civil Revision petition is filed challenging the order passed by the Special Subordinate Judge for LAOP cases, Cuddalore allowing the execution petition filed by the respondent for realization of cost of Rs.10,000/- imposed by the Court below while dismissing the application filed by the petitioner for rejection of impugned LAOP and to reopen the same.

2. When the matter is taken up for hearing, the learned counsel for the petitioner submits that the cost imposed by the Court below while dismissing the interlocutory applications filed for rejection of the reference and to reopen the same were challenged by raising a specific ground in the appeal filed against the impugned award. Those appeals were disposed of by this Court vide order dated 30.10.2015. Challenging the order passed in the batch of appeals, the petitioner preferred a batch of SLPs in SLP(C) No.16527 of 2017 and other cases.

3. The Hon'ble Apex Court by order dated 11.03.2019 granted stay of operation of order impugned in the appeal. In view of the stay order granted



by the Hon'ble Apex Court in the Special Leave Petitions filed by the petitioner challenging the order passed in the batch of appeals, the respondent is not entitled to proceed with the execution for realization of the cost imposed.

4. It is also brought to the notice of this Court that in the Special Leave Petitions also, the petitioner raised a ground challenging the imposition of cost while dismissing the interlocutory applications filed by the petitioner for rejection of the reference and to reopen the same. In view of the interim order granted by the Honourable Apex Court, the respondent is not entitled to proceed with the execution for realization of cost imposed.

5. It is also submitted by the learned counsel appearing for the petitioner that at the time of admission as per the interim order granted by this Court, the petitioner furnished bank guarantee for the amount to be realized as costs. The petitioner shall maintain the bank guarantee for a period of four weeks from the date of receipt of a copy of this order. It is open to the respondent to get appropriate orders from the Hon'ble Apex Court regarding



C.R.P.No.1997 of 2017

interim protection and the realization of the cost imposed.

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6. With this direction, these Civil Revision Petition is disposed of. No costs. Connected miscellaneous petition is closed.

05.03.2024

Index : Yes / No

Internet : Yes / No

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To

The Special Sub Judge for Land Acquisition cases, Cuddalore.



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C.R.P.No.1997 of 2017

S.SOUNTHAR , J.

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C.R.P.No.1997 of 2017

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