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C.R.P.Nos.2029 to 2069 and 2087 to 2093 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

C.R.P.Nos.2029 to 2069 and 2087 to 2093 of 2017

and

C.M.P. Nos.

9918 to 9957 and 9982 to 9984 and 9986 to 9988 of 2017

C.R.P. No.2029 of 2017

The Secretary,
Neyveli Lignite Corporation Limited,
Neyveli – 1.

... Petitioner

Vs.

Gunasekaran S/o. Mr. Ramachandran

...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.9 of 2016 in L.A.O.P. No.16 of 2014.



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C.R.P.Nos.2029 to 2069 and 2087 to 2093 of 2017

For Petitioner : Mr.N. Nithianandam [all CRPs]

For Respondents : R1 – Died
R2 & R3 – Not ready in notice.
Ms. Zeenath Begum [for R4]
Mr. C.E. Pratap [for R5 & R6]
[all CRPs]

COMMON ORDER

These Civil Revision petitions are filed challenging the order passed by the Special Subordinate Judge for LAOP cases, Cuddalore allowing the execution petitions filed by the respondents for realization of cost of Rs.10,000/- imposed by the Court below while dismissing the applications filed by the petitioner for rejection of impugned LAOPs 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 was also challenged by raising a 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 orders impugned in Special Leave Petitions. In view of the stay order granted by the Hon'ble Apex Court in the Special Leave Petitions filed by the petitioner challenging the orders passed in the batch of appeals, the respondents are 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 orders granted by the Honourable Apex Court, the respondents are not entitled to proceed with the execution and realization of cost imposed.

5. It is also submitted by the learned counsel appearing for the



C.R.P.Nos.2029 to 2069 and 2087 to 2093 of 20..

petitioner that at the time of payment as per the interim order granted by this Court, the petitioner granted bank guarantee for the amount to be realized as cost, the petitioner shall maintain the bank guarantee for a period of four weeks from the date of receipt of copy of this order. It is open to the respondent to get appropriate orders from the Hon'ble Apex Court regarding interim protection and the realization of the cost imposed.

6. With this direction, these Civil Revision Petitions are disposed of.
No costs. Connected miscellaneous petitions are closed.

29.02.2024

Index : Yes / No
Internet : Yes / No
mjs

To
The Special Sub Judge for Land Acquisition cases, Cuddalore.



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C.R.P.Nos.2029 to 2069 and 2087 to 2093 of 2017

S.SOUNTHAR , J.

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29.02.2024