



C.M.P.No.27911 of 2023
in C.R.P.No.2836 of 2022

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A.D.JAGADISH CHANDIRA, J.

This Civil Miscellaneous Petition has been filed seeking to permit the petitioner herein to withdraw the amount deposited by the respondent herein to the credit of L.A.O.P.No.536 of 2013 with accrued interest, if any, on the file of the Special Sub Court for LAOP Cases, Cuddalore.

2. The case of the petitioner herein is that pursuant to the notification issued under Section 15 of the Tamil Nadu Highways Act, the lands belonging to the petitioner were acquired by the respondent State in the year 2007. The matter was referred to the Land Acquisition Tribunal and the Tribunal has passed an award on 30.09.2015. Against which, the respondent State did not prefer any appeal. While so, the petitioner has filed an execution petition for recovery of the amount, however, since the respondent had not deposited the awarded amount, the executing Court had ordered attachment. Only at this stage, after seven years of passing the award, the respondent State has preferred the civil revision petition before this Court challenging the award. However, at the time of admission, this



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Court had directed the State to deposit 50% of the awarded amount. The amount was deposited before the Tribunal and thereby, the petitioner seeks permission to withdraw the deposited amount.

3. Learned counsel for the petitioner submitted that the lands of the petitioner were acquired in the year 2007 and the Special Sub Court for LAOP Cases, Cuddalore had passed the award on 30.09.2015. Thereafter, the petitioner has filed an execution petition and only after the attachment ordered by the executing Court, the respondent State has preferred the Civil Revision Petition. He further submitted that the petitioner had lost his valuable land and he is suffering for compensation for several years, thereby, the present civil miscellaneous petition has been filed seeking permission to withdraw the deposited amount.

4. Mrs.Suriya, learned Additional Government Pleader appearing for the respondent submitted that the Tribunal has enhanced the amount by metes and bounds which is more than 20 times of the amount valued by the Land Acquisition Officer. She further submitted that the petitioner has got good case in the civil revision petition and thereby, object for disbursal of the amount.



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5. In reply, the learned counsel for the petitioner reiterated that the lands of the petitioner have been acquired and he is suffering for several years without getting compensation. He further submitted that the petitioner, without prejudice, is ready to furnish security before the Court concerned.

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

7. It is seen that the award has been passed by the Special Sub Court for LAOP Cases, Cuddalore on 30.09.2015, however, till date, the petitioner is unable to enjoy the fruits of the decree. Therefore, the petitioner herein is permitted to withdraw the amount deposited by the respondent herein to the credit of L.A.O.P.No.536 of 2013 on the file of the Special Sub Court for LAOP Cases, Cuddalore, on condition that the petitioner furnishes security equivalent to the amount permitted to be withdrawn.

8. Accordingly, the Civil Miscellaneous Petition stands ordered.

12.09.2024

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