



CRP.No.4269 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE S.SOUNTHAR

CRP.No.4269 of 2019

1.P.N.Padmanabhan
2.Thulasibai
3.Meerabai
4.P.N.Venkatraman

... Petitioners

Vs.

1.The Special Tahsildar (Land Acquisition)
Krishna Water Supply Project
Unit III, Thriuvallur.

P.Narasimhalu Naidu (Died)

2.Damodaran Naidu
3.Varadarajulu
4.P.R.Krishnan
5.Pushpammal
6.Doraiammal
7.Kowsalya

...Respondents

Prayer: Civil Revision Petition filed under Article 227 of the Constitution of India, to set aside the fair and decreetal order of the Special Subordinate Judge



CRP.No.4269 of 2019

Special Sub-Court for LAOP Cases, Thiruvallur dated 25.02.2019 passed in IA.No.156 of 2018 in LAOP No.2 of 2015 pertaining to that portion of the order imposing a condition that the petitioners are not entitled to claim interest for a period of 8711 days as the same is erroneously by allowing the Civil Revision Petition.

For Petitioners : Mr.R.Santhanam

For Respondents : Mr.C.Sathish for R1
Government Advocate
R2 to R7 – given up

ORDER

This Civil Revision Petition is filed challenging the order passed by the Court below allowing the petition filed by the petitioners seeking to condone delay of 8711 days in filing petition to bring them on record as proposed claimants 8 to 11 in the place of deceased first claimant P.Narasimhalu Naidu, on condition the petitioners are not entitled to claim interest for the delay period. Aggrieved by the condition imposed by the Court below that the petitioners are not entitled to claim interest for the delay period, the petitioners are before this Court.



CRP.No.4269 of 2019

2. The petitioners, P.Narasimhalu Naidu and the respondents 2 to

7 are the claimants in LAOP.No.2 of 2015. Pending LAOP P.Narasimhalu died and the petitioners herein filed an instant application to bring them on record as proposed claimants 8 to 11. The said application was allowed by the Court below on condition that the petitioners were not entitled to claim interest for the delay period 8711 days.

3. The learned counsel for the petitioners submitted that the compensation amount has already been deposited by the respondents and the same is in bank deposit. Therefore, the petitioners may be permitted to withdraw interest accrued in the bank deposit.

4. The learned counsel for the petitioners submitted that the LAOP.No.25 of 1988 on the file of the Sub-Court, Thiruvallur has now been transferred to the Special Subordinate Judge, [Special Subordinate Court for LAOP Cases], Thiruvallur and re-numbered as LAOP.No.2 of 2015.



CRP.No.4269 of 2019

5. If the compensation amount is already in the bank deposit and the interest accrued on such deposit, the petitioners are entitled to the benefit of accrued interest proportionate to their share in the compensation amount. It is clarified that the petitioners are not entitled to claim any interest for the delay period from the first respondent and 1st respondent is not liable to pay any interest for delay period, which had occasioned due to failure of petitioners to file LR petition in time. However, the petitioners are entitled to withdraw accrued interest, if any, proportionate to their share.

6. With this clarification, the Civil Revision Petition is disposed of. In view of the same, the Court below is directed to dispose of the same as expeditiously as possible. No costs.

11.01.2024

Index : Yes / No
Internet : Yes / No
dna



CRP.No.4269 of 2019

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- To**
- 1.The Special Subordinate Judge Special
Sub-Court for LAOP Cases, Thiruvallur.
 - 2.The Special Tahsildar (Land Acquisition)
Krishna Water Supply Project
Unit III, Thriuvallur.



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CRP.No.4269 of 2019

S.SOUNTHAR, J.

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CRP.No.4269 of 2019

11.01.2024