



C.R.P.(MD)No.534 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.534 of 2023

J.Rajadurai

... Petitioner

Vs.

The Special Tahsildar,
(Land Acquisition),
Adi Diravidar Welfare Unit-I,
Madurai-20.

... Respondent

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 03.01.2023, passed I.A.No.496 of 2022 in Unnumbered LACMA.No. ____ of 2022 in Award No.21 of 1998-99 in LAOP.No.125 of 1999 on the file of the Principal District Court, Madurai.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mr.V.Om Prakash

Government Advocate



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ORDER

The present civil revision petition is filed against the order, dated 03.01.2023, passed I.A.No.496 of 2022 in Unnumbered LACMA.No.____ of 2022 in Award No.21 of 1998-99 in LAOP.No.125 of 1999 on the file of the Principal District Court, Madurai.

2.The respondent Special Tahsildar had acquired the land of the petitioner herein for a meagre amount. But the petitioner had not preferred any appeal. The adjacent land belongs to the petitioner's brother and the same was also acquired by the same notification and paid meagre amount. Aggrieved over the brother had preferred an appeal. In the appeal enhanced compensation was awarded. Therefore, the petitioner had approached the Court based on the enhanced compensation but filed the petition belatedly and the same was dismissed.

3. The respondent vehemently opposed to entertaining the present revision petition and resisted for granting the enhanced compensation. And also opposed for granting interest to the enhanced compensation.



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4. However, this Court is of the considered opinion when the adjacent land which was granted enhanced compensation which was acquired under the same notification, then the petitioner is also entitled to the same enhancement. Since the petitioner had approached the Court belatedly, he may not be entitled for interest from 22.07.1998 (date of 4(1) notification) to 22.07.2003 (date of order of L.A.O.P.No.135 of 1998). Hence, this Court is inclined to reduce the interest portion and the interest for the said period comes to Rs.1,03,892/-. The petitioner is entitled to 50% of Rs.1,03,892/-.

5. Therefore, the respondent herein is directed to pay Rs.3,98,253/- to the petitioner, which is arrived as per the calculation below:

1.	As per the decree passed in LMCMA No.9 of 2004, the compensation amount per cent 2481.50 for 2 acres 21.5 cents (0.89.75 hectares) Rs.2481.50 * 2.21.5	Rs.5,49,652.25/-
	15% solatium	Rs.82,447.84/-
2.	Total	Rs.6,32,100/-
	Less the amount already received by the claimant	- Rs.2,85,793/-
3.	Remaining amount	Rs.3,46,307/-



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4.	Interest portion 4(1) notice dated 22.07.1998 to 22.07.2003 (date of order in LAOP No.135 of 1998) Rs.3,46,307/- @ 6% for 5 years	Rs.1,03,892/-
	Deducting 50%	- Rs.51,946/-
5.	Total compensation payable to the petitioner	Rs.3,98,253/-

The respondent herein is directed to pay the same within a period of six weeks from the date of receipt of a copy of this order.

6. With the above said observations, the civil revision petition is disposed of. No costs.

19.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes

Tmg



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To

- 1.Principal District Court,
Madurai.
- 2.The Special Tahsildar,
(Land Acquisition),
Adi Diravidar Welfare Unit-I,
Madurai-20.
- 3.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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