



C.R.P.(MD)No.2616 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

C.R.P.(MD)No.2616 of 2024 and
C.M.P.(MD)No.15085 of 2024

1.The Special Tahsildar,
(Land Acquisition and Adidravidar Welfare),
Pudukottai.

2.The District Collector,
Pudukottai.

... Petitioners

Vs.

1.Jeyalakshmi
2.Rajesh
3.Sangeetha
4.Thilak Raja
5.Ilayakumar
6.Valliammai

... Respondents

PRAYER : Civil Revision Petition is filed under Section 115 of C.P.C., against the order, dated 02.02.2024, passed in E.P.No.146 of 2009 in LAOP.No.51 of 1996 on the file of the Principal Sub Court, Pudukkottai.

For Petitioners

: Mr.V.Om Prakash

Government Advocate

For Respondents

: Mr.S.Anand Chandrasekar

for M/s.Sarvabhauman Associates



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ORDER

The present civil revision petition is filed by the Proceeding Officers in Land Acquisition proceedings against the order, dated 02.02.2024, passed in E.P.No.146 of 2009 in LAOP.No.51 of 1996 on the file of the Principal Sub Court, Pudukkottai.

2. The respondent herein are the land owners and the revision petitioners had acquired the land through acquisition proceedings. The issue between the parties is whether the interest is payable for solatium.

3. In Appeal No.362 of 2000, while deciding the issue between the parties the High Court had held as under:

“It is further clear that the claimant is not entitled to interest on solatium and additional amount. Further the issue regarding grant of interest on solatium is pending before the Supreme Court, depending on the outcome of the case before Supreme Court, the claimant is permitted to file an appropriate petition before the Sub Court.”



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4. The Constitution Bench in Hon'ble Supreme Court in the case of ***Gurpreet Singh Vs. Union of India*** reported in **(2006) 8 SCC 457** has held that the interest on solatium can be claimed only in pending execution petitions and the cut-off date is fixed as 19.10.2006. The relevant portion of the said judgment is extracted hereunder:

“54. One other question also was sought to be raised and answered by this Bench though not referred to it. Considering that the question arises in various cases pending in courts all over the country, we permitted the counsel to address us on that question. That question is whether in the light of the decision in Sunder’s case, the awardee/decreed-holder would be entitled to claim interest on solatium in execution though it is not specifically granted by the decree. It is well settled that an execution court cannot go behind the decree. If, therefore, the claim for interest on solatium had been made and the same has been negatived either expressly or by necessary implication by the judgment or decree of the Reference Court or of the appellate court, the execution court will have necessarily to reject the claim for interest on solatium based on Sunder on the ground that the execution court cannot go behind the decree. But if the award of the Reference Court or that of the appellate court does not specifically refer to the question of interest on solatium or in cases where claim had not been made and rejected either expressly or impliedly by the Reference Court or the appellate court, and merely interest on compensation is



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awarded, then it would be open to the execution court to apply the ratio of Sunder and say that the compensation awarded includes solatium and in such an event interest on the amount could be directed to be deposited in execution. Otherwise, not. We also clarify that such interest on solatium can be claimed only in pending executions and not in closed executions and the execution court will be entitled to permit its recovery from the date of the judgment in Sunder² (19-9-2001) and not for any prior period. We also clarify that this will not entail any reappropriation or fresh appropriation by the decree-holder. This we have indicated by way of clarification also in exercise of our power under Articles 141 and 142 of the Constitution of India with a view to avoid multiplicity of litigation on this question.”

5. In the present case, the respondents have calculated the interest from 1996 i.e. from the date of notice and the same is incorrect. But the respondents are entitled to from 19.09.2001. Therefore, the impugned order is set aside. The respondents are directed to resubmit the revised calculation by calculating it from 19.09.2001 and the revision petitioners are directed to pass orders in the light of the aforesaid judgment.



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6. With the above said observations and directions, the civil revision petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

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

Tmg

To

1.Principal Sub Court, Pudukkottai.

2.The Section Officer,
Vernacular Records Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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