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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2024

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THE HON'BLE MRS.JUSTICE S.SRIMATHY

C.R.P(MD)No.2431 of 2024

Micheal Paul Chatelier

...Petitioner

Vs.

1.The Special Officer cum

Special District Revenue Officer,

(Land Acquisition),

No.758, 785-E and 85 New,

K.K.Nagar, Madurai.

2.Ramnad, Virudhunagar, Sivagangai,

District Teacher Welfare Association,

Represented by its President S.Subramanian,

and General Secretary S.Angusamy

(Present General Secretary S.Sethuselvam),

Teachers Home, No.2, New Natham Road,

Madurai-625 002.

... Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of the Constitution of India, to direct the learned IV Additional District Judge, Madurai, to take IA.SR.No.1659 of 2024 in (NH) LAOP No.137 of 2021 on his file and to allow the application by passing appropriate orders as per the directions of this Court



in W.P.(MD).No.6621 of 2021 dated 08.11.2023 by directing the petitioner as well as the second respondent (second respondent in (NH) LAOP) to divide the proceeds of the compensation amount in equal proportion with accrued interest thereon.

For Petitioner : Mr.S.Srinivasa Raghavan

ORDER

This Civil Revision Petition is filed for direction to the court below to number I.A.SR.No.1659 of 2024 in (NH) LAOP No.137 of 2021 and pass appropriate orders as per the directions passed in W.P.(MD)No.6621 of 2021 dated 08.11.2023.

2. In the said writ petition the Court had directed the petitioner as well as the second respondent LAOP (Teachers Welfare Association) to divide the proceeds of the compensation amount in equal proportion with accrued interest thereon.

3. The petitioner in LAOP is the 1st respondent herein, the 1st respondent in LAOP is the Revision Petitioner and the 2nd respondent in LAOP is the 2nd respondent herein. For the sake of convenience, the parties are referred to as petitioner and the respondents as per the ranking in the present revision petition or by their names.



4. Originally the property belongs to the 2nd respondent / Teachers

Welfare Association. In the said property, the revision petitioner Micheal Paul Chatelier had put up construction and running a school. In order to widened the road, the National Highways had acquired a portion of the land and also demolish the portion of the building. The entire issue was resolved and settled based on compromise by granting compensation 50% each. Thereafter, the said amount was deposited by the National Highways along with accrued interest.

5. The revision petitioner Micheal Paul Chatelier had filed a cheque application as well as a calculation sheet. In the said calculation sheet, it has been clearly stated that the amount was deposited by the National highways is Rs.72,05,332/- and the Bank accrued interest amount is Rs. 8,88,845/- and total amount comes to Rs.80,94,177/-. In the said amount, 50% comes Rs.40,47,088/-. For the said amount, the 1st respondent has presented a cheque application before the Court below. But the same was returned on the ground as follows:

“As per Order in W.P.6621/21 and W.M.P(MD)No. 5127/21 the Hon'ble Madurai Bench of Madras High Court has permitted the writ petitioner and R4 to withdraw 50% each from the compensation amount with interest. Accordingly, this Court has passed order in LAOP 137/21



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to withdraw 50% of the compensation with interest by the writ petitioner and R4 by filing respective cheque application for the amount entitled to. However, the petitioner and R4 has filed an application to withdraw the entire compensation amount deposited in this case. So, to explain how the petitioner entitle the full amount.”

6. The revision petitioner had submitted the application along with the explanation, wherein it states that the award amount deposited by the National highways is Rs.72,05,332/- and the Bank accrued interest amount is Rs.8,88,845/- and total amount comes to Rs.80,94,177/-. In the said amount, 50% comes Rs.40,47,088/-. This Court is of the considered opinion that the explanation is acceptable. It may be verified otherwise also. The half of award amount of Rs.72,05,332/- is Rs.36,02,666/-. The half of accrued interest of Rs. 8,88,845/- is Rs.4,44,422/-. The total of Rs.36,02,666/- + Rs.4,44,422/- = **Rs.40,47,088/-**.

7. Therefore, this Court is of the considered opinion that when the revision petitioner is seeking only 50% of the amount along with the interest, which comes to **Rs.40,47,088/-** then the same ought to be allowed. The revision petitioner is not seeking to withdraw the entire amount of Rs.80,94,177/-, but is



seeking to withdraw only his portion alone, which the revision petitioner is entitled to withdraw as per the writ order.

8. Accordingly, this Civil Revision Petition is allowed. The IV Additional District Judge, Madurai is directed to number the application and process the same as per Law. The entire proceedings shall be completed within a period of One month from the date of receipt of a copy of the order. No Costs.

03.10.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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- To
1. The IV Additional District Judge,
Madurai.
 2. The Special Officer cum
Special District Revenue Officer,
(Land Acquisition),
No.758, 785-E and 85 New,
K.K.Nagar, Madurai.
 3. The President
Virudhunagar, Sivagangai,
District Teacher Welfare Association,
General Secretary S.Angusamy,
(Present General Secretary S.Sethuselvam),
Teachers Home, No.2, New Natham Road,
Madurai-625 002.
 4. The Section Officer,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai.



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S.SRIMATHY, J.

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Order made in
C.R.P(MD)No.2431 of 2024

03.10.2024