



WEB COPY



C.M.P.No.11819 of 2023 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-10-2025

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

**C.M.P.Nos. 11659, 11661, 11663, 12787, 15573,
15577, 15585 and 15587 of 2023**

in

A.S. Nos. 346, 349, 48, 342, 273, 267, 268 and 247 of 2020

C.M.P.No.11659 of 2023 in A.S. No.346 of 2020:

Periyasamy
S/o.Rasu,
Kottakadu Village,
Ariyalur Taluk and District.

...Petitioner

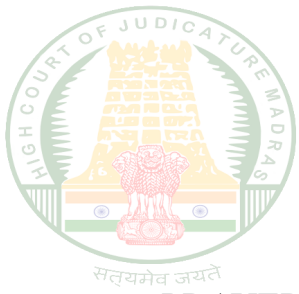
Vs

1.The Special Tahsildar, (LA)
Unit – II, Arasu Cement Factory,
Ariyalur.

2.The Managing Director,
Tamilnadu Cement Corporation Ltd.,
Chennai.

3.The Deputy General Manager,
Tamilnadu Cement Corporation Ltd.,
Ariyalur.

...Respondents



C.M.P.No.11819 of 2023 & batch

WEB COPY

PRAYER: Petition filed under Order 41 Rule 21 of the Code Procedure read with 151 of CPC, to set aside the Judgment and Decree dated 24.02.2020 made in A.S.No.346 of 2020 on the file of this Court and re-hear the appeal on merits and pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.

C.M.P.No.11661 of 2023 in A.S. No.349 of 2020:

Palanisamy
S/o.Periyasamy,
Karunkali Kottagai,
Ariyalur Taluk and District.

...Petitioner

Vs

1.The Special Tahsildar, (LA)
Unit – II, Arasu Cement Factory,
Ariyalur.

2.The Managing Director,
Tamilnadu Cement Corporation Ltd.,
Chennai.

3.The Deputy General Manager,
Tamilnadu Cement Corporation Ltd.,
Ariyalur.

...Respondents

PRAYER: Petition filed under Order 41 Rule 21 of the Code Procedure read with 151 of CPC, to set aside the Judgment and Decree dated 24.02.2020 made in



C.M.P.No.11819 of 2023 & batch

A.S.No.349 of 2020 on the file of this Court and re-hear the appeal on merits and pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.

C.M.P.No.11663 of 2023 in A.S. No.48 of 2020:

Periyasamy,
S/o.Govinda Moopanar.
Vellipringiyam Village,
Ariyalur Taluk and District.

...Petitioner

Vs

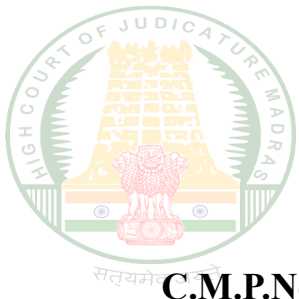
1.The Special Tahsildar, (LA)
Unit – II, Arasu Cement Factory,
Ariyalur.

2.The Managing Director,
Arasu Cement Coporation.

3.The Deputy General Manager,
Tamilnadu Cement Corporation Ltd.,
Ariyalur.

...Respondents

PRAYER: Petition filed under Order 41 Rule 21 of the Code Procedure read with 151 of CPC, to set aside the Judgment and Decree dated 09.01.2020 made in A.S.No.48 of 2020 on the file of this Court and re-hear the appeal on merits and pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.



C.M.P.No.11819 of 2023 & batch

C.M.P.No.12787 of 2023 in A.S. No.342 of 2020:

WEB COPY

Marimuthu,
S/o. Chinnappan,
Nerunchikorai Village,
Ariyalur Taluk and District.

...Petitioner

Vs

1.The Special Tahsildar, (LA)
Unit – II, Tamil Nadu Cement Corporation Ltd.,
Ariyalur.

2.The Managing Director,
Tamil Nadu Cement Corporation Ltd.,
Chennai

3.The Deputy General Manager,
Tamil Nadu Cement Corporation Ltd.,
Ariyalur.

...Respondents

PRAYER: Petition filed under Order 41 Rule 21 of the Code Procedure read with 151 of CPC, to set aside the Judgment and Decree dated 24.02.2020 made in A.S.No.342 of 2020 on the file of this Court and re-hear the appeal on merits and pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.



C.M.P.No.11819 of 2023 & batch

WEB COPY

C.M.P.No.15573 of 2023 in A.S. No.273 of 2020:

Kalyani
W/o.Narayanan Padayachi
Reddipalayam Village,
Ariyalur Taluk, and District.

...Petitioner

Vs

1.The Special Tahsildar, (LA)
Unit – II, Arasu Cement Corporation Ltd.,
Ariyalur, Tamil Nadu.

2.The Managing Director,
Tamil Nadu Cement Corporation Ltd.,
No.735, IIIrd Floor, LLA Building,
Anna Salai, Chennai.

3.The Deputy General Manager,
Tamil Nadu Cement Corporation Ltd.,
Ariyalur.

...Respondents

PRAYER: Petition filed under Order 41 Rule 21 of the Code Procedure read with 151 of CPC, to set aside the Judgment and Decree dated 14.02.2020 made in A.S.No.273 of 2020 on the file of this Court and re-hear the appeal on merits and pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.



C.M.P.No.11819 of 2023 & batch

WEB COPY

C.M.P.No.15577 of 2023 in A.S. No.267 of 2020:

Madhiyazhagan (60 years)
S/o.Duraikannau
Nerunjikorai MVillage
Ariyalur Taluk, and District.

...Petitioner

Vs

1.The Special Tahsildar, (LA)
Unit – II, Arasu Cement Corporation Ltd.,
Ariyalur, Tamil Nadu.

2.The Managing Director,
Tamil Nadu Cement Corporation Ltd.,
No.735, IIIrd Floor, LLA Building,
Anna Salai, Chennai.

3.The Deputy General Manager,
Tamil Nadu Cement Corporation Ltd.,
Ariyalur.

...Respondents

PRAYER: Petition filed under Order 41 Rule 21 of the Code Procedure read with 151 of CPC, to set aside the Judgment and Decree dated 14.02.2020 made in A.S.No.267 of 2020 on the file of this Court and re-hear the appeal on merits and pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.



WEB COPY



C.M.P.No.11819 of 2023 & batch

C.M.P.No.15585 of 2023 in A.S. No.268 of 2020:

Venkatachalam
S/o.Muthuvel Konar,
Velipringam MVillage
Ariyalur Taluk, and District.

...Petitioner

Vs

1.The Special Tahsildar, (LA)
Unit – II, Arasu Cement Factory,
Ariyalur.

2.The Managing Director,
Tamil Nadu Cement Corporation,
No.735, IIIrd Floor, LLA Building,
Anna Salai, Chennai.

3.The Deputy General Manager,
Arasu Cement Factory,
Ariyalur.

...Respondents

PRAYER: Petition filed under Order 41 Rule 21 of the Code Procedure read with 151 of CPC, to set aside the Judgment and Decree dated 14.02.2020 made in A.S.No.268 of 2020 on the file of this Court and re-hear the appeal on merits and



C.M.P.No.11819 of 2023 & batch

pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.

WEB COPY

C.M.P.No.15587 of 2023 in A.S. No.247 of 2020:

1. Mookaiyan (60 years)
S/o.Arunachalam

2. Chinnadurai (56)
S/o.Arunachalam

3. Sankar (54)
S/o. Late Chandirakasan

All are residing at
Nerunjikorai Village,
Ariyalur Taluk, & District.

...Petitioners

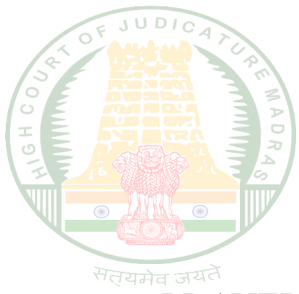
Vs

1.The Special Tahsildar, (LA)
Unit – II, Arasu Cement Factory,
Ariyalur.

2.The Managing Director,
Arasu Cement Corporation,
No.735, IIIrd Floor, LLA Building,
Anna Salai, Chennai.

3.The Deputy General Manager,
Arasu Cement Factory,
Ariyalur.

...Respondents



C.M.P.No.11819 of 2023 & batch

PRAYER: Petition filed under Order 41 Rule 21 of the Code Procedure read with 151 of CPC, to set aside the Judgment and Decree dated 14.02.2020 made in A.S.No.247 of 2020 on the file of this Court and re-hear the appeal on merits and pass such further or other orders as may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioners : Mr.R.Gokulakrishnan, Advocate
(in all petitions)

For Respondents : Mr.G.Nanmaran, Special Government Pleader
for R1 in CMP Nos. 11659, 11661,
11663 and 12787 of 2023

Mr.R.Kumaravel, Additional Government Pleader
for R1 in CMP Nos.15573 & 15577 of 2023

Mr.M.Murali, Government Advocate
for R1 in CMP Nos.15585 & 15587 of 2023

Mr.A.Sivaji, Standing Counsel (TANCEM)
for R2 & R3 in CMP Nos.11659, 11661,
11663, 12787, 15573,15577, 15585
& 15587 of 2023,

COMMON ORDER



C.M.P.No.11819 of 2023 & batch

These Civil Miscellaneous Petitions have been filed under Order 41 Rule 21 read with Section 151 CPC seeking to set aside the judgments and decrees dated 24.02.2020 in AS Nos.346, 349, 342 of 2020, dated 09.01.2020 in AS No.48 of 2020 and dated 14.02.2020 in AS Nos.273, 267, 268 and 247 of 2020 respectively and to restore the same for hearing on merits.

2.The petitioners, who are the respondents in the connected first appeals, have contended that no notice of hearing was ordered or served upon them before the appeals were partly allowed as ex parte. They came to know of the ex parte judgments only upon subsequent enquiry with their counsel. It is their grievance that the lower court's award, which had fixed compensation at Rs. 1,200/- per acre, was modified without affording them any opportunity of hearing, resulting in grave prejudice.

3.The petitioners further state that the lands were acquired for the benefit of Arasu / Tamil Nadu Cement Factory under the Land Acquisition Act, 1894, and that the market value ought to have been fixed at Rs. 1,50,000/- per acre, based on comparable sale deeds (Ex.C1 and C2 dated 21.09.1995 and 01.12.1995) executed



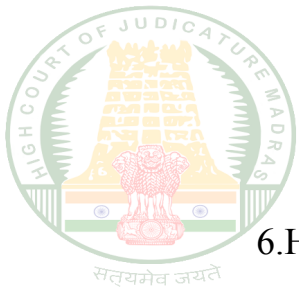
C.M.P.No.11819 of 2023 & batch

in favour of Ramco Cement Factory. They also rely upon a geologist's report

indicating the presence of limestone deposits, which enhances the industrial potential and market value of the land.

4.It was submitted that there was no notice issued and the delay of more than 100 days in filing the appeal by the respondent state was allowed and the appeal suits were directed to be numbered by the registry and hence the ex parte decrees passed by this court came to their knowledge only much later.

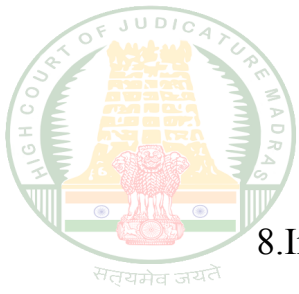
5.On perusal of the records, It is seen that Order 41 Rule 14 of the Code of Civil Procedure has not been complied with by the Court. In such circumstances, the question of fixing a date of hearing in the appeal and issuing notice to the other side does not arise. The remedy contemplated under Order 41 Rule 21 CPC is attracted only where notice has been ordered under Rule 14 and either not duly served, or, after due service, the respondent was prevented from appearing before the Court for sufficient cause. Since in the present case no notice was ordered at all, the question of due or defective service does not arise, and consequently, Order 41 Rule 21 cannot be invoked.



C.M.P.No.11819 of 2023 & batch

6. However, the parties cannot be left without a remedy. It is a well-established principle of law, embodied in the Latin maxim “*Actus Curiae Neminem Gravabit*” — meaning an act of the Court shall prejudice no man — that no litigant should suffer due to an inadvertent act or omission of the Court. In view of the same, this Court deems it appropriate to invoke its inherent powers under Section 151 CPC to recall the orders dated 24.02.2020, 09.01.2020 and 14.02.2020 passed in the respective appeals and to restore the appeals for hearing on merits after affording opportunity to both sides.

7. When the matters were taken up for consideration, the Learned Government Pleader appearing for the respondents took notice on behalf of the Government and opposed the petitions, contending that repeated attempts to reopen concluded appeals would protract the finality of acquisition proceedings. However, considering the admitted procedural lapse in non-issuance of notice under Order 41 Rule 14 CPC, this Court is of the view that the objections cannot override the fundamental requirement of affording a fair hearing.



C.M.P.No.11819 of 2023 & batch

8. In the circumstances, this Court has no other option but to allow the applications. Accordingly, all these petitions are allowed and the judgments and decrees dated 24.02.2020 in AS Nos.346, 349, 342 of 2020, dated 09.01.2020 in AS No.48 of 2020 and dated 14.02.2020 in AS Nos.273, 267, 268 and 247 of 2020 are set aside and all the connected appeals are restored to file. Since the respondent side is already in appearance before this Court and Mr. G. Nanmaran, learned Special Government Pleader, Mr. M. Murali, learned Government Advocate and Mr. R.Kumaravel, Learned Additional Government Pleader have taken notice of all the matters, Registry is directed to list all the appeals on 22.10.2025 for final hearing @ 02.30 p.m.

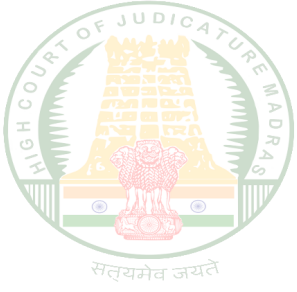
16.10.2025

jv/ay

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No



C.M.P.No.11819 of 2023 & batch

WEB COPY

To

1.The Special Tahsildar, (LA)
Unit – II, Arasu Cement Factory,
Ariyalur.

2.The Deputy General Manager,
Tamilnadu Cement Corporation Ltd.,
Ariyalur.

3.The Managing Director,
Tamil Nadu Cement Corporation Ltd.,
No.735, IIIrd Floor, LLA Building,
Anna Salai, Chennai.

4.The Managing Director,
Arasu Cement Corporation,
No.735, IIIrd Floor, LLA Building,
Anna Salai, Chennai.

5.The Deputy General Manager,
Arasu Cement Factory,
Ariyalur.



WEB COPY



C.M.P.No.11819 of 2023 & batch

DR. A.D. MARIA CLETE, J

jv/ay

**C.M.P.Nos. 11659, 11661, 11663, 12787, 15573,
15577, 15585 and 15587 of 2023
in
A.S. Nos. 346, 349, 48, 342, 273, 267, 268 and 247 of 2020**

16.10.2025

1/2