



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.07.2025

CORAM

THE HON'BLE MR. JUSTICE M.DHANDAPANI

C.R.P.[NPD](MD)Nos.1275 of 2021 and 763 of 2025

and

C.M.P.(MD)Nos.7354 and 7355 of 2021, 2415 of 2025 and 4051 of 2025

C.R.P.(MD).No.1275 of 2021

Tamil Nadu Housing Board,
Through Mrs.S.Anbumani,
Executive Engineer,
and Administrative Officer,
Ellis Nagar,
Madurai.

...Petitioner

Vs.

Periyasamy Ambalam (died)

1.Raju Ambalam

2.P.Kunjaram

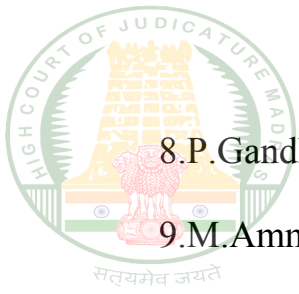
3.P.Periyasamy

4.P.Ramar (died)

5.P.Mohan

6.P.Kannan

7.P.Lakshmanan @ Vijayan



8.P.Gandhi

9.M.Ammapillai

10.P.Senthil

11.R.Saratha

12.R.Raja

13.The Special Tahsildar,
(Land Acquisition),
South Neighbourhood Scheme,
Unit 3, Madurai.

...Respondents

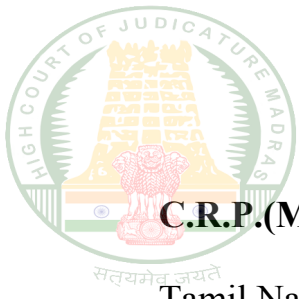
PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the Civil Revision Petition and strike off the Execution Petition in E.P.No.201 of 2004 in L.A.O.P.No.24 of 1994 on the file of the I Additional Sub Court, Madurai.

For Petitioner : Mr.Veerakathiravan,
Additional Advocate General
for Mr.A.Kannan

For R-1, R-3, R-5
to R-12 : Mr.J.Prabakaran

R-2 & R-4 : Died

For R-13 : Mr.B.Saravanan,
Additional Government Pleader



C.R.P.(MD).No.763 of 2025

Tamil Nadu Housing Board,
Through Mrs.S.Anbumani,
Executive Engineer,
and Administrative Officer,
Ellis Nagar,
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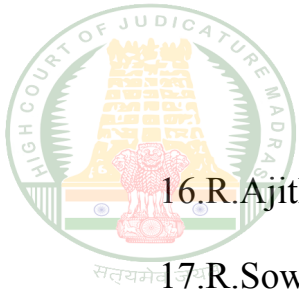
11.R.Saratha

12.R.Raja

13.A.Mahalakshmi

14.R.Kvaiyanan

15.A.Vanitha



16.R.Ajith

17.R.Sowmiya

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18.The Revenue Divisional Officer,
Thirumangalam Revenue Division,
Madurai District,
Madurai.

...Respondents

PRAYER: Civil Revision Petition is filed under Article 227 of Constitution of India, praying to allow the Civil Revision Petition and to set aside the attachment order dated 16.12.2024 with reattachment order dated 29.01.2025 in E.P.No.201 of 2004 in L.A.O.P.No.24 of 1994 pending on the file of the I Additional Sub Court, Madurai.

For Petitioner : Mr.Veerakathiravan,
Additional Advocate General
for Mr.A.Kannan

For R-3, R-5
to R-12,
R-14, R15 & R-17 : Mr.M.Saravanan

R-1, R-2, R-4 & R-13 : Died

For R-18 : Mr.B.Saravanan,
Additional Government Pleader

R-16 : No Appearance



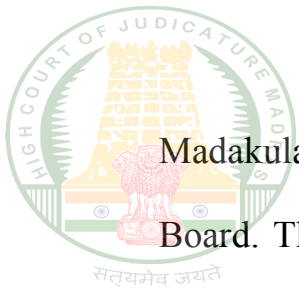
COMMON ORDER

C.R.P.(NPD).(MD).No.1275 of 2021 has been filed to strike off the Execution Petition in E.P.No.201 of 2004 in L.A.O.P.No.24 of 1994 on the file of the I Additional Sub Court, Madurai.

2. C.R.P.(NPD).(MD).No.763 of 2025 has been filed to set aside the attachment order dated 16.12.2024 with reattachment order dated 29.01.2025 passed in E.P.No.201 of 2004 in L.A.O.P.No.24 of 1994 on the file of the I Additional Sub Court, Madurai.

3. Since the issue involved in both these revision petitions is common, they are being disposed of by way of this common order.

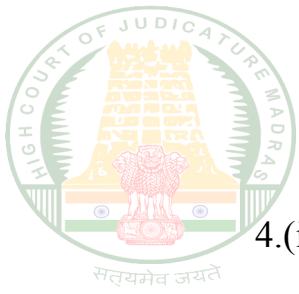
4. The petitioner is a statutory body established and incorporated under the Tamil Nadu State Housing Board Act, 1961 (Tamil Nadu Act 17 of 1961), which was enacted for the purpose of implementing housing and infrastructure development schemes in the State of Tamil Nadu. In furtherance of these objectives, the Board is empowered under Section 70 of the said Act to acquire lands through the Government by invoking the Land Acquisition Act, 1894 (Central Act 1 of 1894). Pursuant to such statutory powers, the Government acquired, among other lands, an extent of 92 cents in Survey No.222/6 in



Madakulam Village, Madurai South Taluk, for the benefit of the petitioner Board. The compensation award for the said acquisition was passed in Award

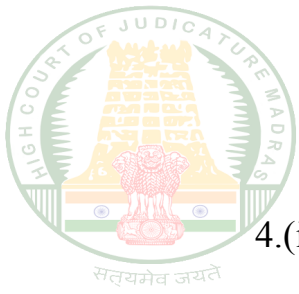
No.10/1982-83, dated 15.06.1982. Aggrieved by the quantum of compensation, one Periyasamy Ambalam and respondent Nos.1 to 10 herein / landowners (hereinafter referred to as the 'claimants') sought a reference under Section 18 of the Land Acquisition Act, 1894, and the same was referred to the I Additional Sub Court, Madurai, as L.A.O.P.No.24 of 1994. On 24.12.1997, the Reference Court enhanced the compensation to Rs.4,166/- per cent and also awarded interest, solatium, and additional amounts.

4.(i). Subsequently, the claimants filed an execution petition in E.P.No.96 of 1999 before the III Additional Sub Court, Madurai, to enforce the decree in L.A.O.P.No.24 of 1994. During the pendency of the execution proceedings, the Special Tahsildar filed a memo dated 29.10.1999 seeking amendment of the decree to delete the interest awarded on solatium and additional amounts. In view of this, the decree in L.A.O.P.No.24 of 1994 was amended on 09.12.1999, clarifying that the compensation would not carry interest on solatium and additional amounts. In accordance with the amended decree, the Special Tahsildar deposited a sum of Rs.11,58,273/-, which was subsequently withdrawn by the claimants pursuant to orders passed in E.A.No.204 of 2000 dated 22.03.2000. The claimants also filed a memo of full satisfaction, which was recorded by the Court, resulting in the termination of the execution proceedings in E.P.No.96 of 1999.



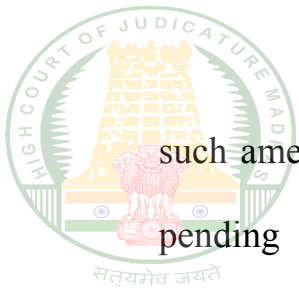
4.(ii). Despite this, after a lapse of two years, the claimants filed I.A.No. 153 of 2003 in L.A.O.P.No.24 of 1994 seeking to again amend the decree to include interest on solatium and additional amounts. The said petition was allowed by the Reference Court by an order dated 20.08.2003. Based on the amended decree, the claimants filed a fresh execution petition in E.P.No.201 of 2004 seeking recovery of amounts, including interest, for the period between the satisfaction of the earlier decree and the amendment. Despite the earlier full satisfaction recorded, the Execution Court, by an order dated 05.09.2006, ordered attachment of movable properties, including the official car of the District Collector.

4.(iii). When the attachment could not be executed, the claimants filed E.A.No.33 of 2020 in E.P.No.201 of 2004 seeking to amend the schedule of movable properties by substituting the District Collector's official cars. The Execution Court allowed the said petition by order dated 31.01.2020 and, by a further order dated 17.03.2021, directed the attachment of the District Collector's cars, which were subsequently attached by the Ameen on 03.09.2021. Aggrieved by the said attachment, the petitioner filed C.M.P. (MD).No.7355 of 2021 seeking stay, which was granted on 07.09.2021 and is still in force.



4.(iv). However, despite the subsistence of the stay order, on 29.01.2025, the Ameen of the Court, on the strength of the warrant, entered the petitioner's office, rejected the petitioner's written objections, and proceeded to attach two tables, four chairs, and three ceiling fans.

5. The learned Additional Advocate General appearing for the revision petitioner submitted that the present Civil Revision Petitions have been filed challenging the attachment made by the Execution Court. He contended that the Execution Court had erroneously allowed recovery of interest on solatium, contrary to the law laid down by the Hon'ble Supreme Court in ***Gurpreet Singh v. Union of India, (2006) 8 SCC 457***. He further submitted that the land was acquired from the claimants by the Special Tahsildar (Land Acquisition) for the purpose of the Tamil Nadu Housing Board layout formation, pursuant to notification issued in 1979, and the award was passed on 15.06.1982. Aggrieved by the award, the respondents 1 to 10 and one Periyasamy Ambalam sought enhancement by way of reference under Section 18 of the Land Acquisition Act. The matter was taken on file in L.A.O.P.No.24 of 1994 on the file of the I Additional Sub Court, Madurai, and by judgment and decree, the compensation was enhanced to Rs.4,166/- per cent. The Court also awarded interest and solatium. Thereafter, on the basis of a memo filed by the petitioner, the decree was amended, deleting the award of interest on solatium. Pursuant to



such amendment, the entire compensation amount was deposited, and the then pending execution petition was closed on 09.12.1999. Subsequently, the claimants realized that the decree had been amended merely on the basis of a memo without any formal application under Sections 151 and 152 of the CPC. They filed I.A.No.153 of 2003 seeking restoration of the original decree. The said application was allowed on 20.08.2003, restoring the award of interest on solatium. No appeal or challenge was made by the petitioner against that order, and it attained finality. Based on the restored decree, the respondents filed the present Execution Petition in E.P.No.201 of 2004, seeking recovery of the unpaid amount under the restored decree, including interest on solatium. The Execution Court, finding merit in the claim, passed an attachment order dated 16.12.2024, followed by a reattachment order dated 29.01.2025.

6. The learned Additional Advocate General appearing for the petitioner contends that the award of interest on solatium is barred in view of the decision in Gurpreet Singh (stated supra), wherein the Hon'ble Supreme Court held that such interest can be awarded only in pending executions as of 19.09.2001. Since the earlier execution was closed on 09.12.1999, the petitioner argues that the present Execution Petition is not maintainable.

7. Per contra, the learned counsels appearing for the private respondents submitted that the original decree was restored by the trial Court in I.A.No.153



of 2003, and the petitioner did not challenge the said order. Therefore, the Execution Court was well within its jurisdiction in entertaining the subsequent execution based on the valid and subsisting decree. He further submitted that amendment of a decree based on a mere memo is impermissible in law, and such an act was rightly rectified by judicial order.

8. Heard the learned counsel on both sides and perused the materials available on record.

9. The facts of the case are not in dispute. The revision petitioner is a recognised statutory body, and based on its request, the Government initiated land acquisition proceedings in the year 1979 for the purpose of forming a housing layout. The award was passed on 15.06.1982 by the Land Acquisition Officer. Dissatisfied with the award, the respondents 1 to 10 and another person, namely Periyasamy Ambalam, sought a reference under Section 18 of the Land Acquisition Act. The matter was referred and taken up in L.A.O.P.No. 24 of 1994 on the file of the I Additional Sub Court, Madurai. The Reference Court enhanced the compensation to Rs.4,166/- per cent for the acquired land measuring 92 cents and also awarded solatium and interest. Subsequently, on the basis of a memo filed by the petitioner, the decree was amended by deleting the portion relating to interest on solatium. Such amendment was done without filing a proper application under Sections 151 and 152 CPC. This amendment



was later challenged by the claimants by filing an interlocutory application in I.A.No.153 of 2003, and the decree was restored to its original form by order dated 20.08.2003, thereby including the interest on solatium.

10. It is pertinent to note that the said rectification order dated 20.08.2003 was not challenged by the revision petitioner and has attained finality. Based on this restored decree, the claimants filed E.P.No.201 of 2004 seeking recovery of the interest on solatium. The earlier execution petition was closed on 09.12.1999 after payment of compensation as per the then existing decree. The present execution petition was filed only after the amendment to the decree was restored through a valid judicial order.

11. The learned Additional Advocate General for the petitioner relies upon the judgment of the Hon'ble Supreme Court in ***Gurpreet Singh v. Union of India, (2006) 8 SCC 457***, and submits that the award of interest on solatium is impermissible in an execution filed after the cut-off date fixed in that case. However, a careful reading of the said judgment, clarifies that interest on solatium can be recovered in pending executions or where a valid decree granting such interest exists and is executable. In the present case, the execution petition is based on a valid and subsisting decree passed on 24.12.1997, and therefore, the reliance on Gurpreet Singh is misplaced.



12. The Execution Court, in pursuance of the said decree, passed an attachment order on 16.12.2024 and subsequently a reattachment order dated 29.01.2025. Since the decree granting interest on solatium is valid and executable, the orders passed by the Execution Court do not warrant interference.

13. However, taking into account the nature of the dispute and the financial implications, this Court is inclined to grant one final opportunity to the petitioner to comply with the decree.

14. In view of the above discussion, these Civil Revision Petitions are dismissed. However, the petitioner is granted a period of four (4) weeks from the date of receipt of a copy of this order to deposit the entire amount as per E.P.No.201 of 2004 with interest of 15% per annum from 20.09.2004 to till date, failing which, the Execution Court shall proceed to attach the housing board buildings in the manner known to law. No costs. Consequently, connected miscellaneous petitions are closed.

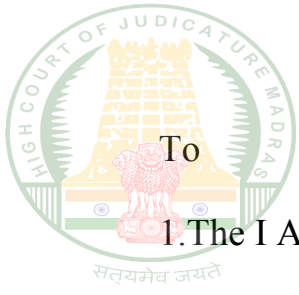
17.07.2025

Internet:Yes/No

Index:Yes/No

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To

- 1.The I Additional Sub Court, Madurai.
- 2.The Executive Engineer,
Tamil Nadu Housing Board and Administrative Officer,
Ellis Nagar,
Madurai.
- 3.The Special Tahsildar,
(Land Acquisition),
South Neighbourhood Scheme,
Unit 3, Madurai.
- 4.The Section Officer,
VR Section,
Madurai Bench of Madras High Court,
Madurai.



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M.DHANDAPANI, J.

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