



CMP(MD). No.1107 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twenty Seventh day of June Two Thousand and Twenty Five

PRESENT

The HONOURABLE MR. JUSTICE K.K. RAMAKRISHNAN

CMP(MD). No.1107 of 2024
in
A.S.(MD)No.109 of 2012

- 1.Nasurnnisha,
- 2.Kairunnisha,
- 3.Bajbee,
- 4.Sarabai,
- 5.Kamarunnisha,
- 6.Meer Ahamed Ibrahim,
- 7.Rafia Basree,
- 8.Saiyed Luckmaan Hakkeem,

.. Petitioners

-Vs-

- 1 The Revenue Divisional Officer,
Madurai.
- 2 The Executive Engineer And
Administrative Officer,
Tamil Nadu Housing Board
Madurai.

..Respondents

Prayer in CMP(MD)No.1107 of 2024;-

This Civil Miscellaneous Petition filed under Section 151 of C.P.C.,to Modify
the Decree and Judgment in AS No.109 of 2012 by



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a)modifying the finding in Paragraph 9 of the Judgement as if “they have deposited the entire amount awarded by the Tribunal” and then direct the Respondents to deposit the entire award amount with accrued interest after deducting a sum of Rs.14,88,081/- already deposited.

b)modifying the finding in Paragraph 9 of the Judgement as if “the balance amount shall be withdrawn by the 2nd respondent

c)modifying the finding in Clause 2 of the Decree as if “ the balance amount shall be withdrawn by the 2nd Respondent since the 2nd Respondent has deposited the entire amount awarded by the Tribunal” and then direct the Respondents to deposit the entire award amount with accrued interest after deducting a sum of Rs.14,88,081/- already deposited.

d)mentioning that the appeal is dismissed as against R1,R2 &R4 instead of R1 to R3.

e)incorporating the clause “the award in respect of all other aspects is confirmed” in the Decree.

Prayer in A.S(MD)No.109 of 2012;-

Appeal Suit filed under Section 54 of the Land Acquisition Act,1894 to set aside the judgment and decree passed in LAOP No.33/1997 dated 29/06/2001 on the file of the III Additional Subordinate Court, Madurai.



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ORDER:- This Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.M.Kannan, Advocate for the Petitioner and of Mr.M.Muthumanikkam Government Advocate for the 1st respondent and of Mr.A.Kannan Advocate for the 2nd respondent, this Court made the following order:

The petitioner filed this petition to modify the decree and Judgment in A.S. (MD)No.109 of 2012 as mentioned in the petition.

2.The learned counsel for the petitioner would submit that there was a representation about the deposit of entire amount, which was not correct.

3.The learned Government Advocate on instructions would submit that inadvertently there is a representation that the entire award amount was deposited. But after that he deposited the entire amount on 26.06.2025. He has produced the letter sent to the learned Additional Sub Judge, Madurai to that effect, wherein, it has been stated as follows:

“As ordered by the Sub-Court, Madurai in L.A.O.P.No.33/1997 the Tamil Nadu Housing Board, Chennai have sanctioned a sum of Rs.52,77,759/- being the Enhanced Compensation Amount, vide reference



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1 cited, and the Executive Engineer, Uchapatti Thoppur Satellite Town Division, Madurai has forwarded the cheque for Rs.47,49,983/- (Rupees forty Seven Lakhs forty nine thousand nine hundred and eighty three only) vide in the reference 2nd cited, after deducting necessary Income Tax amount of Rs.5,27,776/-.

In this regard, I enclose a cheque for Rs.47,49,983/- (Rupees Forty Seven Lakhs Forty Nine thousand nine hundred and eighty three only) bearing cheque No.404233, dated 26.06.2025, of Canara Bank, Madurai."

4.The learned counsel for the Land owner produced the calculation memo. The learned counsel is permitted to raise the calculation error before the Execution Court.

5.Inadvertently, in the order copy in the appearance portion, it was wrongly mentioned as "RR1 to 3 : Dismissed". But, R1 in this case died. R4 also died. RR3 and 5 to 11 are represented by their counsel Mr.V.Nagendran. Registry is directed to carry out necessary amendments in this regard in the appearance portion of the order copy of the Judgment passed in A.S.(MD).No.109 of 2012 and issue fresh order copy to the parties.



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6. Accordingly, this civil miscellaneous petition stands disposed of.

Sd/-

ASSISTANT REGISTRAR (CS - III)

// True Copy //

/ /2025

Sub Assistant Registrar

(CS-I / II / III / IV)

Madurai Bench of Madras High Court,
Madurai.

TO

1. The Revenue Divisional Officer,
Madurai.
2. The Executive Engineer And
Administrative Officer,
Tamil Nadu Housing Board,
Madurai.
3. The III Additional Subordinate Judge,
Madurai.

Copy to:

The Section Officer,
Judicial Section,
Madurai Bench of Madras High Court, Madurai.



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+1 CC to M/s.M.KANNAN, Advocate (SR-37825[F] dated 27/06/2025)

+1 CC to M/s.A.KANNAN, Advocate (SR-37870[F] dated 27/06/2025)

+1 CC to M/s.SPL.GP (SR-38313[F] dated 30/06/2025)

ORDER DATED : 27/06/2025

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ORDER
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AS - (02.07.2025) 6P/ 8 C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.