



CRP(MD). No.356 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 03/06/2025

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

**CRP (MD). No.356 of 2017
and CMP(MD) No.1749 of 2017**

The Special Tahsildar
Special Minor Irrigation Plan,
Virudhunagar
The Revenue Divisional Officer (i/c)
Aruppukottai

... Petitioner/Respondent

Vs

K.V.Natarajan
1.K.V.Ramar
2.N.Lalitha
3.N.Rajamohan
4.N.Selvamohan

... Respondents/Petitioners

PRAYER :-Civil Revision Petition is filed under Section 115 of the Code of Civil Procedure against the attachment order passed in EP No.33 of 2005 in LAOP No.251/1992 dated 13.06.2016 on the file of the Subordinate Judge, Srivilliputhur.

For Petitioner : Mr.B.Saravanan
Additional Government Pleader
For Respondents : Mr.M.Kannan



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ORDER

The civil revision petition is filed against the attachment order passed in EP No.33 of 2005 in LAOP No.251/1992 dated 13.06.2016 on the file of the Subordinate Judge, Srivilliputhur.

2.Initially the land belong to the respondents/claimants were acquired for formation of the reservoir under 4(1) notification dated 25.01.1984. Being not satisfied with the award, the claimants filed LAOP No.251/1992. In the said petition, the Tribunal awarded a compensation of Rs.1,500/- per cent along with 15% interest and 30% of solatium from the date of acquisition till the the date of passing of award of the land acquisition officer or delivery of possession, whichever is earlier. Aggrieved by the said award, the Special Tahsildar filed an appeal before the lower appellate Court. In the appeal, the compensation was fixed at Rs.1,600/- per cent with 12% interest from the date of notification till the date of passing of the award or delivery of possession, whichever is earlier and the judgment in appeal has become final. However, as against the said award in LAOP No.251/1992 EP No.33/2005 has been filed for



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attachment. The said petition was allowed by the trial Court.

Challenging the said attachment, the Special Tahsildar is before this Court with this petition.

3. The learned Additional Government Pleader appearing for the petitioner would submit that the land is acquired under the Land Acquisition Act 1984 to an extent of 586 cents and the land acquisition officer has fixed the compensation of Rs.357.11 per hectare and for the trees Rs.44,847/- was fixed along with 12% interest. Challenging the same, the claimants filed LAOP, wherein, the Tribunal has fixed Rs.1,500/- per cent with 12% interest along with 30% solatium. Not being satisfied, the petitioner herein filed an appeal, wherein, the award amount has been increased from Rs.1,500/- to Rs.1,600/- along with interest and 30% solatium. Subsequently, EP No.33/2005 has been filed for execution of the said award, which was allowed with interest. The learned counsel would submit that calculation memo was not considered by the trial Court and the extent of land acquired is 585.39 cents, and not to the extent of 589.39 cents. Thus, they are aggrieved by the calculation portion in the execution petition. In the appeal, the Division Bench, vide



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its judgment, dated 14.08.2001 has enhanced the compensation from Rs.1,500/- to 1,600/- and fixed Rs.9,36,624/- with 30% solatium along with 12% interest.

4. However, the learned counsel for the claimants would submit that since the award amount has not been paid as per the judgment and decree, in the execution petition, the trial Court, by recording the calculation memo, has ordered for payment of Rs.6,63,080.43/- with interest at 1% per annum on Rs.3,90,403.21 from 22.04.2010. The trial Court has rightly calculated the interest, however, even after decades, the respondents were not paid with the award amount and hence, they pray for appropriate direction.

5. I have considered the rival submissions and perused the materials available on record.

6. In the order impugned in EP No.33/2005, the trial Court had passed a one line order on 13.06.2016, thereby allowed the execution petition and the said order is as follows:



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“Calculation memo recorded. For payment of Rs.6,63,080.43 by the respondent with subsequent interest at 15% p.a on Rs.3,90,403.21 from 22.04.2010. Call on 13.07.2016.”

and on 10.08.2016, the following order is passed:

“EA 65/2016 petition is allowed. Stay granted till 13.09.2016. Call on 14.09.2016.”

7. In order to resolve the dispute between the parties, this Court perused the calculation memo filed by the respective parties. A perusal of the calculation memo filed by the petitioner shows that as on 20.08.1998, the principal amount, solatium and interest is calculated at Rs.30,08,041.36/-. After deducting the payment of Rs.71,696.94/- already paid, the balance would come to Rs.29,36,344.42/- out of which Rs.26,73,537.77 was deposited on 20.08.1998. The balance amount to be deposited is Rs.2,62,807/-, whereas the respondents claimed Rs. 30,63,940/- after deducting Rs.26,73,537.37/-, the balance amount claimed by the respondents/claimants is Rs.3,90,403.21/-, whereas the petitioner claimed balance amount as Rs.2,62,807/-. Admittedly, out of Rs.2,62,431/- deposited on 21.04.2010 and the calculation memo filed by



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the petitioner as on today claiming for interest alone on Rs.3,90,403/- is misconceived. If at all the balance amount has to be paid is only to the extent of Rs.2,62,807/- with 15% interest from 20.08.1998 to 21.04.2010 and from 22.04.2010 to 30.06.2025.

8. In view of the above, the Civil Revision Petition is disposed of by issuing a direction to the petitioner to pay interest for Rs.2,62,807/- with 15% interest from 20.08.1998 to 21.04.2010 and that apart interest amount to be paid from 21.04.2010 to till date at the rate of 15% per annum. No costs. Consequently connected Miscellaneous Petition is closed.

03.06.2025

NCC : Yes/No
Index : Yes/No

RR

TO

1.The Subordinate Judge, Srivilliputhur.

2.VR Section

Madurai Bench of Madras High Court, Madurai.



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M.DHANDAPANI,J

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**ORDER
IN
CRP(MD) (NPD) No.356 of 2017**

Date : 03/06/2025