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Rev.Appl.No.114 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27-02-2026

CORAM

**THE HONOURABLE MR JUSTICE N. SATHISH KUMAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

REV.APPL NO. 114 OF 2013

1. Manoli Sainaba (died)
- 2.Manoli Kader (died)
- 3.Manoli Ayichu (died)
- 4.Manoli Abdulla (died)
- 5.Manoli Nafeesa (died)
- 6.Manoli Safiya (died)
- 7.Manoli Huder Decd
- 8.C.H.Pathootty
- 9.Manoli Nafeesa
- 10.Manoli Abdulla
- 11.Manoli Shooja

Appellant(s)

Vs

1. The Land Acquisition Officer
Mahe Pondichery State

- 2.Union Of India
Rep By Secretary To Govt Pondichery

- 3.Soudha Manoli
 - 4.Shabidha Manoli
 - 5.Jamaludheen Abdulla
 - 6.Shemmy Nazar
 - 7.Muhammed Riyaz Manoli
 - 8.Ayisha Rasood
 - 9.Nawal Fawaz
 - 10.Raihana Firoz
- D/o.Sainaba Manoli House, Chirekkara.
A1(Manoli Sainaba) Died. R3 to R10
are brought on record as LRS of
deceased A1 vide court order dated
27.02.2026 made in CMP.No.5135,
5139, 5142 of 2026 in



Rev.App.114/2013 (NSKJ and RSVJ)

11.Beevi

12.Hajira Manoli

13.Sabana Manoli

14.Shamlan

15.Shabam

16.Moharroof

17.Mashood

18.Ramla

19.Sooraj

S/o.Kader, M.P.House, Manjakkal,
Mahe.A2 (Manoli Kader) Died. R11 to
R19 are brought on record as LRS of
deceased A2 vide court order dated
27.02.2026 made in CMP.No.4827,
4830, 4835 of 2026 in
Rev.App.114/2013 (NSKJ and RSVJ)

20.Rabi

21.Asma

22.Easa Manoli

23.Subaida

D/o.Manoli Ayichu res at Subaida Villa
Kannadi Naremba Kannur. A3 (Manoli
Ayichu) Died. R20 to R23 are brought
on record as LRS of deceased A3 vide
court order dated 27.02.2026 made in
CMP.No.4972, 4976, 4978 of 2026 in
Rev.App.114/2013 (NSKJ and RSVJ)

24.Ayisha

25.Punathil Muhammad

26.Punathil Hamza

27.Punathi Abdul Rasheed

28.Punathi Ahammed Sharfudeen

29.Kadeeja Manoli

30.Yakoob Manoli

31.Najma Manoli

32.Umaima Manoli

33.Latheefa Manoli

D/o.Manoli Abdulla, Gulf Villa,
Madappelly, Vadakora. A4 (Manoli
Abdulla) Died. R24 to R33 are brought



on record as LRS of deceased A4 vide court order dated 27.02.2026 made in CMP.No.4839, 4841, 4846 of 2026 in Rev.App.114/2013 (NSKJ and RSVJ)

34.Kunhimoosa

35.Sulaika Muhammed

36.Hasheem

37.Manoli Fousi

38.Raihena

D/o. Manoli Nafeesa, Panniyankara, Kozhikode. A5 (Manoli Nafeesa) Died.

R34 to R38 are brought on record as LRS of deceased A5 vide court order dated 27.02.2026 made in

CMP.No.4842, 4847, 4848 of 2026 in Rev.App.114/2013 (NSKJ and RSVJ)

39.Fathima

40.Mammooty

41.Rasal

42.Ramla

43.Raswin

44.Fayarus

45.Kadeeja

Respondent(s)

D/o.Manoli Safiya May Fair, Manjakkal Mahe. A6 (Manoli Safiya) Died. R39 to R45 are brought on record as LRS of deceased A6 vide court order dated 27.02.2026 made in CMP.No.4902, 4903, 4905 of 2026 in Rev.App.114/2013 (NSKJ and RSVJ)

PRAYER: Review Petition filed under Order IV Rule 42 read with Order 47 Rule 1 of CPC to review the common order passed in CMP.No.1122 of 2011 in A.S.No.702 of 1990 dated 05.12.2012 only with regard to the value of the superstructure at Rs.26,921/- and to comply with the mandatory provisions under Section 23(1-A) as additional compensation as per the Land Acquisition Act, 1894.

For Appellant(s): Mr.T.V.Ramanujun, Senior Counsel
for Mrs.R.Ramya

For Respondent: Mr.P.S.Kothandaraman
Government Advocate



(Puducherry) for R1 and R2

ORDER

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This Review Application has been sought to review the common judgment passed in A.S.No.702 of 1990 dated 28.10.2002. The review is sought mainly on the ground that the judgment of this Court while disposing the appeal in A.S.No.702 of 1990 has not taken note of the mandatory provisions of Section 23(1-A) of the Land Acquisition Act, 1894 as additional compensation. Therefore, review is sought.

2. The only contention of the learned senior counsel for the review applicant is that as far as the additional compensation under Section 23(1-A) of the Land Acquisition Act is concerned, the petitioners are certainly entitled, since, the issue is already covered by a Constitutional Bench in *K.S.Paripoornan vs. State of Kerala and others* reported in (1994) 5 SCC 593, however, while disposing the appeal, the said judgment has not been brought to the notice of this Court.

3. The learned Government Advocate (Puducherry) for the respondents would fairly submit that the appellants are certainly entitled to additional compensation as per Section 23(1-A) of the Land Acquisition Act. However, his contention is only that though the appeal was disposed of as early as on 28.10.2002, the petitioner has not filed a review application immediately,



whereas, clarification application has been filed for the first time only in the year 2011 and the same was disposed of on 05.12.2012 directing to file a review petition. Thereafter, this application is filed. Hence, it is the contention that there was a delay in filing clarification petition for more than 10 years and for that period, the petitioners are certainly not entitled for any interest.

4. Heard both sides and perused the materials placed on record.

5. While disposing the appeal in a land acquisition proceedings, this Court in paragraph 3 of the common judgment dated 28.10.2002 has passed the following order:-

13. In this view of the matter, we hold

(i) The appellants/Claimants shall be entitled for compensation calculating on the basis that the market value of the property is Rs.3,500 per cent

(ii) The appellants/Claimants shall be entitled for a sum of Rs.20,000 being the value of the trees:

(iii) The appellants/claimants are entitled for 30% solatium and also interest at 9% interest for the first year from taking possession and thereafter at 15%. The appellants are entitled for interest on solatium.

6. Though this Court in paragraph 4 of the common judgmente has affirmed the value fixed by the Land Acquisition Officer for the superstructure, in the last portion of the judgment, the same has been omitted. As far as the fixing of the value for superstructure is concerned, the learned counsel for the respondent submitted that though the value of the superstructure has not appeared in the judgment and decree, the said amounts have already been paid



in the execution proceedings and the same is not disputed by the review petitioner.

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7. While disposing the appeal, the additional compensation as mandated under Section 23(1-A) of the Land Acquisition Act had not been taken note of. In this regard, it is relevant to note that this issue is already covered in a judgment of the Constitutional Bench in the case of *K.S.Paripoornan vs. State of Kerala and others* reported in (1994) 5 SCC 593, wherein, in reference it is held that Section 23 (1-A) provides for additional compensation in every case where reference was pending under Section 18 before the Court. Admittedly, reference was pending as on 26.07.1984 when the reference is answered by the Constitutional Bench and thus, the additional compensation under Section 23(1-A) is payable.

8. With reference to the interest for the additional compensation, though original clarification petition has been filed in the year 2004, the same has not been prosecuted after its return, however, it appears that the application has been properly filed only on 01.11.2011, therefore, we are of the view that as the delay is caused only by the review applicants, the review applicants are not entitled for interest for the additional additional compensation for that period, i.e., from the date of judgment, viz., dated 28.10.2002 till 01.11.2011.



9. Such view of the matter, this judgment dated 28.10.2002 is reviewed to the effect that the appellants are entitled to benefit of additional compensation under Section 23 (1-A) with interest at 9% for the first year from taking possession and thereafter at 15% until payment. With regard to the interest, interest is restricted only for the default period, i.e., 28.10.2002 till 01.11.2011 and for the other period, i.e., from the date of notification till the date of realisation, the interest is payable for the additional compensation.

10. Accordingly, this review application stands allowed. The decree in A.S.No.702 of 1990 is amended in pursuant to the order of the above review application. Registry is directed to draft the decree accordingly.

(N.SATHISH KUMAR J.)(R.SAKTHIVEL J.)
27-02-2026

dhk

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No

To

1.The Land Acquisition Officer
Mahe, Pondicherry state.

2.Union of India
Rep.by its Secretary, To Govt of
Pondicherry, Pondicherry Union
Territory.



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R.SAKTHIVEL J.**

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