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C.M.P.No.31919 of 2025 & batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29-01-2026

CORAM

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

C.M.P.Nos. 31919, 32210, 32211, 32215, 32264,
32275, 32399, 32527, 32644, 32655 of 2025

in

A.S.Nos. 69, 66, 67, of 2020, 899, of 2019, 64, 445,
444, 438 & 432 of 2020 and 905 of 2019

C.M.P.No.31919 of 2023 in A.S. No.69 of 2020:

Chellammal (Died)

1. Kathirvel

2. Amirthalingam

... Petitioners

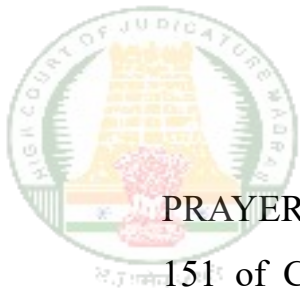
Vs.

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

2.The Managing Director,
Arasu Cements Corporation,
Chennai.

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

... Respondents



C.M.P.No.31919 of 2025 & 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 13.01.2020 made in A.S.No.69 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.32210 of 2025 in A.S.No.66 of 2020:

1. Tamilarasan

2. Vijaya Pandiayan

3. Kanagasabai

... Petitioners

Vs.

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

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

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

... Respondents

PRAYER: Petition filed under Order 41 Rule 21 read with 151 of the Code of Civil Procedure praying to set aside the Judgment and Decree dated 13.01.2020 made in A.S.No.66 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.31919 of 2025 & batch

C.M.P.No.32211 of 2025 in A.S.No.67 of 2020:

Ramachandran Pillai (Died)

1. Chinnapillai
2. Varatharajan
3. Kumaresan

... Petitioners

Vs.

- 1.The Special Tahsildar, (LA)
Unit – II, Arasu Cements Factory, Ariyalur.
- 2.The Managing Director,
Arasu Cements Factory,
Chennai.
- 3.The Deputy General Manager,
Arasu Cements Factory,
Ariyalur.

...Respondents

PRAYER: Petition filed under Order 41 Rule 21 read with 151 of the Code of Civil Procedure praying to set aside the Judgment and Decree dated 13.01.2020 made in A.S.No.67 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.32215 of 2025 in A.S.No.899 of 2019:

Dharmarajan

...Petitioner

Vs.

- 1.The Special Tahsildar (LA)
Unit II, Arasu Cements Factory, Ariyalur .

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2.The Managing Director,
Arasu Cements Corporation,
Chennai.

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

...Respondents

PRAYER: Petition filed under Order 41 Rule 21 read with 151 of the Code of Civil Procedure to set aside the Judgment and Decree dated 19.12.2019 made in A.S.No.899 of 2019 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.32264 of 2025 in A.S.No.64 of 2020:

Govindasamy

... Petitioner

Vs.

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

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

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

... Respondents



C.M.P.No.31919 of 2025 & batch

PRAYER: Petition filed under Order 41 Rule 21 read with 151 of the Code of Civil Procedure praying to set aside the Judgment and Decree dated 27.01.2020 made in A.S.No.64 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.32275 of 2025 in A.S.No.445 of 2020:

Kanakkapillai

... Petitioner

Vs.

- 1.The Special Tahsildar, (LA),
Unit – II, Tamil Nadu Cements Corporation Ltd.,
Ariyalur.
- 2.The Managing Director,
Tamil Nadu Cements Corporation Ltd., Chennai.
- 3.The Deputy General Manager,
Tamil Nadu Cement Corporation Ltd.,
Chennai.

... Respondents

PRAYER: Petition filed under Order 41 Rule 21 read with 151 of the Code of Civil Procedure praying to set aside the Judgment and Decree dated 28.02.2020 made in A.S.No.445 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.31919 of 2025 & batch

C.M.P.No.32399 of 2025 in A.S.No.444 of 2020:

Anjalai (Died)
1.Periyasamy
2.Sengamalam

...Petitioners

Vs.

- 1.The Special Tahsildar, (LA)
Unit – II, Tamil Nadu Cements Corporation Ltd.,
Ariyalur.
- 2.The Managing Director,
Tamil Nadu Cements Corporation Ltd.,
No.735, IInd Floor,
LLA Building, Anna Salai,
Chennai.
- 3.The Deputy General Manager,
Arasu Cements 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 28.02.2020 made in A.S.No.444 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.31919 of 2025 & batch

C.M.P.No.32527 of 2025 in A.S. No.438 of 2020:

Kandasamy

...Petitioner

Vs.

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

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

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

.. Respondents

PRAYER: Petition filed under Order 41 Rule 21 read with 151 of the Code of Civil Procedure to set aside the Judgment and Decree dated 28.02.2020 made in A.S.No.438 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.32644 of 2025 in A.S.No.432 of 2020:

Kaliyaperumal(Died)

1.Selvarasu
2.Rasathi
3.Mullaiyammal
4.Anjalai

...Petitioners

Vs.

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



C.M.P.No.31919 of 2025 & batch

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

3. The Deputy General Manager,
Arasu Cements 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 28.02.2020 made in A.S.No.432 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.32655 of 2025 in A.S. No.905 of 2019

Pitchaipillai

...Petitioner

Vs.

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

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

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

...Respondents



C.M.P.No.31919 of 2025 & batch

PRAYER: Petition filed under Order 41 Rule 21 read with 151 of the Code of Civil Procedure to set aside the Judgment and Decree dated 19.12.2019 made in A.S.No.905 of 2019 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.

In all CMPs.

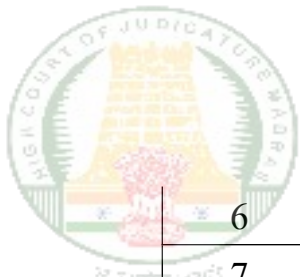
For Petitioners : Mr.R.Gokulakrishnan, Advocate

For Respondents : Mr.G.Nanmaran, Special Government Pleader
for R1
Mr.A.Sivaji
Standing Counsel for R2 & R3.

COMMON ORDER

These Civil Miscellaneous Petitions have been filed under Order 41 Rule 21 read with Section 151 CPC seeking to set aside the following judgments and decrees :-

S.No.	Civil Miscellaneous Petition Nos.	Appeal Suit Nos.	Date of Judgment
1	32215/2025	899/2019	19.12.2019
2	32655/2025	905/2019	19.12.2019
3	31919/2025	69/2020	13.01.2020
4	32210/2025	66/2020	13.01.2020
5	32211/2025	67/2020	13.01.2020



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6	32264/2025	64/2020	27.01.2020
7	32399/2025	444/2020	28.02.2020
8	32275/2025	445/2020	28.02.2020
9	32527/2025	438/2020	28.02.2020
10	32644/2025	432/2020	28.02.2020

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 exparte. 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 22.11.1995 and 01.12.1995) executed in favour of Ramco Cement Factory. They also rely upon a geologist's report

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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.

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*"

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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 19.12.2019, 13.01.2020, 27.01.2020, & 28.02.2020 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, Mr.G.Nanmaran, Learned Government Pleader took notice on behalf of R1 and Mr.A.Sivaji, learned Standing Counsel took notice on behalf of R2 and R3 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.

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 19.12.2019 in A.S.Nos.905 & 899 of 2019, dated 13.01.2020 in



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A.S.Nos.66, 67 & 69 of 2020, dated 27.01.2020 in A.S.No.64 of 2020, dated 28.02.2020 in A.S.Nos.444, 445, 438 & 432 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 for R1 and Mr.A.Sivaji, Learned Standing Counsel for R2 and R3 have taken notice of all the matters, Registry is directed to list all the appeals for final hearing.

29.01.2026

Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation: Yes / No

kkd/ay

To

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

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



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DR. A.D. MARIA CLETE, J.

Ay

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

4. The Special Tahsildar (LA)
Unit II, Tamil Nadu Cements Corporation Ltd.,
Ariyalur.

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

**C.M.P.Nos. 31919, 32210,32211, 32215, 32264,
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64, 445, 444, 438 & 432 of 2020
and 905 of 2019**

6.The Deputy General Manager
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29.01.2026