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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

(Civil Appellate Jurisdiction)

Tuesday, the Second day of February Two Thousand and Twenty One

PRESENT

The Hon'ble Mr. Justice R.SUBRAMANIAN

CMP(MD). No.2487 of 2019

in

CRP(MD).No.919 of 2011

1 The District Collector, Dindigul District.
2 The Land Acquisition Officer, and
Now The Revenue Divisional Officer,
Palani, Dindigul District.
...Petitioners/Revision Petitioners

Vs

1 Saraswathi
2 Palaniappan
3 Valliammal
4 Mangaiyarkarasi
5 Meenakshi
6 Thiagarajan
...Respondents/Respondents

Prayer in CMP(MD). No.2487 of 2019 :-

Civil Miscellaneous Petition is filed under section 148 of Civil Procedure Code, praying this Hon'ble Court to grant an extension of time for further four months to deposit compensation amount along with accrued interest before Sub Court, Palani in CRP. (NPD) (MD) No.919 of 2011 dated 10.10.2018.

Prayer in CRP(MD).No.919 of 2011 :

Civil Revision Petition is filed under Article 227 of the Constitution of India, against the judgment and decree dated 21.10.2010 passed in E.P. No. 69 of 2007 in L.A.O.P.No. 73 of 1974 on the file of Sub Court, Palani.

ORDER:-

Civil Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and the earlier Order of this court upon hearing the arguments of Mr.V.R.Shanmuganathan, Government Advocate On Behalf of the Petitioner, and of Mr.S.Anand Chandrasekar, Advocate For <http://www.M.Judis.Ba>rvabhuman Associates, Advocate For the 6th Respondent, this

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Court made the following order:

This application has put the learned Special Government Pleader in a rather unenviable position. The facts revealed shock my conscience.

2. Though this application has been filed seeking extension of time to comply with the order passed by this Court on 10.10.2018, I narrate the brief facts that had led to this application just to demonstrate how lethargic, indifferent and cruel are the Government officials while dealing with the rights of the citizens.

3. The proceedings arise in execution of an award passed in L.A.O.P.No.73 of 1974 by the Sub Court, Palani. The land in question was acquired by the Government for formation of the Bus Depot at Palani under a 4(1) notification on 03.08.1967. Originally, the Land Acquisition Officer, as usual, fixed a princely sum of Rs.1.70 per sq. feet. This award was passed on 30.10.1971. There was a reference which was numbered as L.A.O.P.No.73 of 1974 on the file of the Sub Court, Palani. The compensation was enhanced to Rs.7.82 per sq. feet by the award dated 16.07.2004 i.e nearly 30 years after the award by the Land Acquisition Officer. The said fixation was challenged before this Court and the appeal filed by the Land Acquisition Officer was dismissed by this Court confirming the award on 06.01.2017. The legal heirs of the original land owner, fortunately the first generation had filed an execution petition in E.P.No.69 of 2007 seeking execution of the award. By an order dated 21st October 2010, the executing court had directed attachment of tables and chairs in the office of the Revenue Divisional Officer, Palani. Challenging the said order, the above revision came to be filed before this Court in 2011.

4. When the revision was ultimately taken up for hearing, the learned Government Advocate had submitted a memo of calculation signed by the Special Tahsildar showing that there is a balance of Rs.25,42,894/-. It was also undertaken that the said amount would be paid on or before 10.01.2019. Recording the said calculation memo filed by the learned Government Advocate, who appeared before this Court, this Court had disposed of the Civil Revision Petition granting time to the petitioner to pay the amount by 10.01.2019.

5. The said amount was not paid as directed. The Revenue Divisional officer, Dindigul, has now filed this application seeking extension of time.

6. I do not think any further fact is necessary to justify my conclusion that neither the Government nor its officials are interested in the welfare of the citizens and honouring orders of this Court. Excuses after excuses have been made to satisfy the award passed by this Court. It is almost 54 years now since the land was acquired. This can happen only in this country and with these Government officials. However, considering the fervent request made by the learned Special Government Pleader, time granted to comply

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with the award is extended till 25th March 2021. If the entire balance compensation is not deposited by that day, the District Collector, Dindigul will appear in person before this Court on 26.03.2021.

7. Post on 26.03.2021.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Sub Judge, Palani

Copy to :

- 1 The District Collector, Dindigul
- 2 The Land Acquisition Officer, and
Now The Revenue Divisional Officer,
Palani, Dindigul District.
- 3 Mr.V.R.Shanmuganathan, Special Government Pleader
Madurai Bench of Madras High Court, Madurai.
- 4 The Section Officer, Judicial Section,
Madurai Bench of Madras High Court, Madurai.
(To List the matter on 26.03.2021)

CMP (MD) . No.2487 of 2019
in
CRP (MD) .No.919 of 2011
02.02.2021

KK(03.02.2021) 3P 6C

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