

(2014) 12 MAD CK 0040
In the Madras High Court
Case No : C.R.P.(NPD) No. 1043 of 2003

Balasubramaniam

APPELLANT

Vs

Land Acquisition Officer and Special Tahsildar

RESPONDENT

Date of Decision : 03-12-2014

Acts Referred:

Citation : (2015) 1 MadWN(Civil) 502

Hon'ble Judges : K. Kalyanasundaram, J.

Bench : Single Bench

Advocate : P. Jagadeesan, Advocate, for the Petitioner; T. Jayaramaraj, Government Advocate (CS), for the Respondent

Final Decision : Dismissed

Judgement

K. Kalyanasundaram, J.—This Civil Revision Petition is directed against the Order passed in Check Slip No. 587/XXV/N Diary No. 84 in CMA. No. 39/1999.

2. The respondent awarded Compensation for the acquisition of the land of the Petitioner under the Tamil Nadu Acquisition of Land for Haitian Welfare Schemes Act, 1978 (Act 31/1978). The Petitioner, not being satisfied with the Award of the Land Acquisition Officer and Special Tahsildar, (ADW), Omalur preferred an Appeal before the Sub-Court, Mettur, affixing Rs.1/- as Court-fee under Article 3(1)(b) of Schedule II of the Tamil Nadu Court. Fees and Suits Valuation Act, 1955.

3. The Court Fee Examiner raised an objection in respect of payment of Court-fee and issued a Check Slip, stating that the fee payable should be commuted on the difference between the amount awarded and the amount claimed by the Petitioner as provided under Section 51 of the Tamil Nadu Court Fees and Suits Valuation Act. The learned Sub-Judge, Mettur, by Order dated 26.11.2002 upheld the Check Slip issued by the Court-fee Examiner and directed the Petitioner to pay the deficit Court-fee within three months. Challenging the Order, the present Civil Revision Petition is filed.

4. Mr. P. Jagadeesan learned Counsel for the Petitioner submitted that the Court-fee paid under Article 3(1)(b) of Schedule II of the Tamil Nadu Court Fees and Suits Valuation Act is correct and the Lower Court erred in directing the Petitioner to pay ad valorem Court-fee under Section 51 of the Act.

5. Heard Mr. T. Jayarainaraj, learned Government Advocate (CS) appearing for the Respondent.

6. The Division Bench of this Court in the judgment reported in The Land Acquisition Officer (Special Tahsildar, ADW) Harur and another v. Radhakrishnan Chetty and others, 2010 (1) CTC 527 (DB) : 2010 (1) LW 312 held that the Claimants are liable to pay the Court-fee as per Section 51 of the Tamil Nadu Court Fees and Suits Valuation Act, In view of the decision of this Court the contention of the Petitioner cannot be countenanced.

7. In the result This Civil Revision Petition is dismissed. The Petitioner is directed to pay the deficit Court-fee within three months from the date of receipt of the copy of this Order. No costs.