

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 06.08.2015

Coram:

The Hon'ble Mr.Justice V.RAMASUBRAMANIAN

AND

The Hon'ble Mr.Justice T.MATHIVANAN

Appeal Suit Nos.613 to 625 of 2011

The Special Tahsildar,
Andiyappanur Reservoir Scheme,
Tirupattur.

...Appellant/Referring Officer
in all the Appeals

Versus

Rukkammal ...Respondent/Claimant in A.S 613/2011
Venkatesan ...Respondent/Claimant in A.S 614/2011
Govarthanarao ...Respondent/Claimant in A.S 615/2011
Rukmangatharao ...Respondent/Claimant in A.S 616/2011
Rejendran ...Respondent/Claimant in A.S 617/2011
Sulochanabai ...Respondent/Claimant in A.S 618/2011

Jagannatharao (Late)

1. Sampath Rao

2. Mangalabai

3.Sarjanrav

Sathiyarao

Gopal

Govindasay

...Respondent/Claimant in A.S 619/2011

...Respondent/Claimant in A.S 620/2011

...Respondent/Claimant in A.S 621/2011

...Respondent/Claimant in A.S 622/2011

PERUMAL (LATE)

1 VASANTHA

2 AMUTHA

3 VIJAYA

4 THIRUPATHI

5 KALI

6 CHANDRAMATHI

7 GOVINDARAJ

8 ILAVAR MARAGATHAM

9 ILAVAN VENKATESAN

10 ILAVAR RAMU

...Respondent/Claimant in A.S 623/2011

DEVAN

...Respondent/Claimant in A.S 624/2011

THEKKAN @ CHINNASAMY

...Respondent/Claimant in A.S 625/2011

Appeal Suit filed under Section 54 of the Land Acquisition Act, against the Judgment and decree of the Additional District Sessions Court, FTC, Tirupattur in LAOP No.211 of 2002, 212/02, 213/02, 214/02, 215/02, 216/02, 217/02, 218/02, 219/02, 220/02, 221/02, 222/02 and 223/02 respectively dated 25.02.2011.

For Appellant : Mr.P.Gunasekar,
in all the Appeals Additional Government Pleader (AS)

For Respondent: Mr.V.Raghavachari.
in all the Appeals

COMMON JUDGMENT

(Judgment of the Court was made by V.RAMASUBRAMANIAN,J)

These appeals are filed by the Special Tahsildar (Land Acquisition), Andiyappanur Reservoir Scheme, Tirupattur, under Section 54 of the Land Acquisition Act, questioning the correctness of the awards of the Land Acquisition Tribunal, enhancing the compensation granted by the Land Acquisition Officer.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader (Appeal Suits), appearing for the appellant and Mr.V.Raghavachari, learned counsel for the respondents/claimants.

3. By a Notification issued under Section 4(1) read with Section 17(2) of the Land Acquisition Act, in G.O.Ms.No.624, Public Works Department, dated 13.12.1999, a vast extent of land measuring about 97.86.5 Hectares of lands were sought to be acquired for the purpose of formation of Reservoir and Canals across Andiyappanur Odai in Andiyappanur Village, Vaniyambadi Taluk. After enquiry, the Tahsildar passed awards, fixing the compensation payable at Rs.56,810/- per Hectare or Rs.230/- per cent.

4. In a batch of references made under Section 18 of the Act in L.A.O.P.No.211 of 2002 batch of cases, the Additional District Court (Fast Track Court), Tirupattur passed an award on 25.02.2011, enhancing the compensation payable to Rs.8/- per Sq.ft. Aggrieved by such enhancement, the Special Tahsildar has come up with the above appeals.

5. As against the very same judgment of the Land Acquisition Tribunal dated 25.02.2011, the Special Tahsildar had also filed a batch of appeals in A.S.Nos. 152 to 157, 424 to 427

of 2007 and 343 to 347 of 2010. On account of the quantum involved in those appeals, those appeals were posted before a learned single Judge of this Court. By a common judgment delivered on 23.7.2010, the learned Judge dismissed all the appeals filed by the Special Tahsildar, thereby confirming the award of the Tribunal dated 25.02.2011.

6. It is admitted that the order of the learned Judge, passed in a batch of appeals arising out of the very same award of the Tribunal has attained finality as no appeal is filed by the State. Therefore, the respondents in these appeals are also entitled to the same benefits. Hence, the appeals are dismissed. Since a period of 16 years have already been elapsed, the appellant is directed to pay the amounts of compensation to the claimants within a period of two months from the date of receipt of copy of this order. There will be no order as to costs. The Additional Government Pleader will be entitled to separate fees.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

gr.

To

1. The Special Tahsildar, Andiyappanur Reservoir Scheme, Tirupattur.

2. The Section Officer, VR Section, High Court, Madras.

1 cc to Additional Government Pleader (AS), sr.40931/15

13 ccs to Mr.V.Raghavachari, Advocate, sr40856

सत्यमेव जयते

A.S.Nos. 613 to 625 of 2011

vgi co

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