

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.6.2015

CORAM:

THE HON'BLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HON'BLE MR.JUSTICE T.MATHIVANAN

A.S.Nos.626 to 629 of 2011

The Special Tahsildar [LA],
Housing Scheme,
Hosur.

...Appellant in all Appeals

vs.

1.Munisamy
2.Aanjappa
3.Narayanappa
4.Kempamma
5.Venkatesan
6.P.Nagarajan
7.P.Subramanian
8.Ponnammal
9.Kanthammal
10.Radha
11.Neela
12.Lakshmi
13.Jaya
14.The Executive Engineer,
Tamilnadu Housing Board, Hosur.

...Respondents in AS 626/2011

1.Dhakshayini
2.Chinnamma
3.Kannamma

4.The Executive Engineer,
Tamilnadu Housing Board, Hosur.

...Respondents in AS 627/2011

1.K.V.Balasubramaniam [deceased]
2.K.R.V.Giri
3.The Executive Engineer,
Tamilnadu Housing Board, Hosur.

4.Chandrakala Balasubramaniam
5.K.V.Ramesh Giri
6.Jayanthi
7.Bharathi

8.Minor Bhargavi ..Respondents in AS 628/2011
(R4 brought on record as L.R. of deceased
R1 vide order of this court dt. 20.09.2013
and made in MP.1/12 in A.S.No.628/11)

(R5 brought on record as L.R.of deceased
R2 vide order of this court
dt. 4.2.14 and made in MP.1/13 in A.S.628/11)

[RR6 to 8 impleaded as party respondents
vide order dated 7.4.2014 in MP Nos.1 to 3/2014 in A.S.628/11]

1.Naghojirao
2.Dhanalakshmiammal
3.Sivakumar
4.Seetharama Chetty
5.Vijayamma
6.Nagaraj
7.Jayamma
8.The Executive Engineer,
Tamilnadu Housing Board, Hosur. ... Respondents in AS 629/2011

Prayer: Appeals are filed against the Award dt. 25.04.2001 passed in
LAOP Nos.749, to 752/1996 on the file of the Sub Court, Hosur.

For appellant : Mr.P.Gunasekaran
Additional Government Pleader [AS]
For respondents: Mr.V.Anandhamoorthy
for TNHB in all the appeals
Mr.D.Shivakumaran for RR4 to 8 in
A.S.628/2011

COMMON JUDGMENT

[BY V.RAMASUBRAMANIAN, J.]

These Appeals are filed under Section 54 of the Land Acquisition
Act, 1894, by the Special Tahsildar [Land Acquisition], questioning
the correctness of the enhancement of compensation awarded by the
Land Acquisition Tribunal.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader
for the appellant in all the Appeals, Mr.V.Anandhamoorthy, learned
counsel appearing for the Tamil Nadu Housing Board, and
Mr.D.Shivakumar, learned counsel for respondents 4 to 8 in
A.S.628/2011.

3. We are conscious of the fact that in one or two Appeals, out
of this batch, the original owners died and their legal heirs got
impleaded and some of the legal heirs died and steps having been
taken by the appellant. Yet, we do not wish to dismiss the Appeals
as having abated, in view of the fact that the issue is covered by a
judgment rendered by another Division Bench in a batch of cases
arising out of the very same/similar Award.

4. A vast extent of land, in Hosur village, Dharmapuri District,
was acquired by the Government of Tamil Nadu for the purpose of
promoting a neighbourhood scheme, under different Government Orders

issued on various dates ranging from April to July 1991. The Land Acquisition Officer, by separate Awards, passed in Award Nos.4 and 5 of 1994, fixed the compensation payable at Rs.80,250/- per acre.

5. Aggrieved by such a fixation of compensation, the land owners sought a Reference under Section 18. By Awards dated 7.8.2000 and 25.4.2001, the Land Acquisition Tribunal enhanced the compensation from Rs.80,250/- per acre to Rs.5,98,950/- per acre.

6. Challenging such enhancement, the Special Tahsildar has come up with the above Appeals under Section 54.

7. It is admitted by the learned Additional Government Pleader that all the Awards passed which became the subject matter of LAOP No.418/1996 batch of cases, came up before this Court in a batch of regular Appeals in A.S.Nos.50, 52, 54 to 63/2001 etc. The Division Bench divided the lands acquired under all the notifications in respect of the Awards, into four lots. In respect of the first lot, the market value fixed by the Tribunal at Rs.7,187/- per cent was reduced to Rs.5,900/-per cent. In respect of the second lot, the compensation fixed by the Tribunal at Rs.5,980/- per cent was reduced to Rs.4,750/- per cent. In respect of the third lot, the market value fixed at Rs.4,500/- per cent by the Tribunal was reduced to Rs.3,600/- per cent. In respect of the last lot, the market value fixed by the Tribunal at Rs.4,250/- per cent was reduced to Rs.3,400/- per cent.

8. It is also admitted by the learned Additional Government Pleader that the judgment of the Division Bench dated 17.9.2003 has attained finality and that the Government had not preferred any Special Leave Petition. The cases on hand relate to Award No.5/1994, and the lands in respect of which fall under the second lot. Paragraph No.17 of the decision of the Division Bench dated 17.9.2003 reads as follows:-

"17. Taking note of the location of the lands and nearness to the Highways as well as nearness to Railway Station, we do not propose to deduct a uniform rate. But we reduce the market value of the entire land appropriately depending upon the location or other advantages the respective lands command. In respect of the first lot, where the learned Subordinate Judge has fixed the market value of the land at Rs.7,187/=, we reduce the market value to Rs.5,900/-. In respect of the second lot, we reduce the market value of the acquired land from Rs.5980/= to Rs.4750/=. In respect of the third lot, we reduce the market value from Rs.4,500/= to Rs.3,600/= and in respect of the last and fourth lot, we reduce the market value from Rs.4,250/= to Rs.3,400/="

9. Therefore, the respondents are also entitled to have the compensation fixed at Rs.4,750/- per cent, as the lands covered by these Appeals fall under the second lot.

10. In view of the above, the Appeals are allowed in part, modifying the judgment of the Land Acquisition Tribunal, to the effect that the compensation payable to the land owners will be at Rs.4,750/- per cent, together with all other benefits, such as interest, solatium, etc. as awarded by the Tribunal. The respondents will also be entitled to proportionate costs as ordered by Tribunal. Connected Miscellaneous Petitions are closed. No costs in these appeals.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Special Tahsildar [LA],
Housing Scheme, Hosur.
2. The Subordinate Judge, Hosur.
3. The Executive Engineer,
Tamilnadu Housing Board, Hosur.
4. The Section Officer, VR Section,
High Court, Madras.

+ 4 ccs to Mr.V. Anandhamurthy, Advocate Sr.30181(626)

+ 5 ccs to Mr.D. Shivakumaran, Advocate SR.30195(628)

A.S.Nos.626 to 629 of 2011

ALA(CO)
EU 08.09.15