

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE S.NAGAMUTHU

Appeal Suit No.621 of 2014

V.Balasaraswathi

...Appellant/Claimant

-Vs-

The Special Tahsildar,  
Land Acquisition Officer,  
Chennai Metropolitan Development Authority,  
Koyembedu, Chennai-600 092

...Respondent/Respondent

APPEAL SUIT filed against the decree and judgment dated 18.04.2011 in L.A.O.P.No.8 of 2010 on the file of the VI Assistant Judge, City Civil Court, Chennai.

For Appellant : Mr.A.V.Radhakrishnan

For Respondent : Mr.P.Gunasekaran,  
Additional Government Pleader

J U D G M E N T

The petitioner originally owned 4780 square feet of land comprised in Survey No.159/6 at Koyambedu Village in Egmore-Nungambakkam Taluk. The same was acquired by the Government along with other lands in that area for a public purpose. The total extent of the lands so acquired was 2.81 acres under the Land Acquisition Act, 1894 (hereinafter referred to as, 'the Act'). The Special Deputy Collector, Land Acquisition Cell, Chennai Metropolitan Development Authority, Chennai-8 by his proceedings in No.1/2004 dated 31.05.2004 passed an award under Section 11 of the Act, fixing the amount of compensation to be paid to the respective land owners. For all the lands, the Special Deputy Collector fixed a sum of

Rs.407/- per square feet as compensation. The land owners were not agreeable for the same. Therefore, the matter was referred to the VI Assistant Judge, City Civil Court, Chennai, who is the Tribunal under the said Act.

2. The petitioner/appellant and the other similarly placed land owners filed respective claim statements, claiming a sum of Rs.1260/- per square feet. The Tribunal, passed a common order dated 18.04.2011, disposing of all the L.A.O.P.Nos.1 to 10 of 2010 and 12 to 20 of 2010. The appellant is a claimant in L.A.O.P.No.8 of 2010. The Tribunal fixed a sum of Rs.1100/- per square feet. The petitioner is aggrieved by the same. According to her, a sum of Rs.1260/- per square feet should have been ordered to be paid as compensation. Therefore, she is before this Court with this First Appeal.

3. I have heard the learned Counsel for the appellant and the learned Additional Government Pleader appearing for the respondent and I have also perused the records carefully.

4. The learned Counsel for the appellant would submit that in respect of the lands, which were covered under the same common order, an appeal in Appeal Suit No.417 of 2013 was filed before this Court in 1.P.Venkatrathnamma @ P.V.Rathnamma (Deceased) and 2. P.Balakrishna vs. The Special Tahsildar, Land Acquisition Officer, CMDA, Egmore, Chennai-8, for enhancement of compensation. P.Venkatrathnamma was the claimant in L.A.O.P.No.13 of 2010. This Court by decree and judgment dated 25.09.2013, after having made elaborate discussion about the relevant facts and circumstances, has ultimately held that the claimant is entitled for compensation at the rate of Rs.1260/- per square feet as awarded in A.S.No.740 of 2010 on an earlier occasion. In A.S.No.740 of 2010 also, this Court has granted Rs.1260/- per square feet. Referring to that judgment, the learned Counsel for the appellant would submit that in the present case also, the respondent may be directed to pay Rs.1260/- per square feet.

5. The learned Additional Government Pleader appearing for the respondent has got no dispute regarding the above judgment in A.S.No.417 of 2013 and its applicability to the facts of the present case. The learned Additional Government Pleader would further submit that the decree and judgment passed in A.S.No.417 of 2013 has been complied with.

6. In view of the said position, I am inclined to allow this appeal thereby enhancing the award from Rs.1100/- per square feet to Rs.1260/- per square feet as awarded by this Court in A.S.No.740 of 2010.

7. In the result, the appeal suit is allowed; the decree and judgment of the trial court is modified and there shall be an award for compensation to be paid by the respondent to the petitioner for her land at the rate of Rs.1260/- per square feet together with the other related benefits. No costs.

Sd/-  
Deputy Registrar(J)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The VI Assistant Judge,  
City Civil Court, Chennai.

2. The Section Officer,  
V.R.Section, High Court,  
Madras.

1 CC to Mr.A.V.Radhakrishnan, Advocate SR.No. 13577

1 CC to the Government Pleader, SR.No. 13945

A.S.No.621 of 2014

TEJ (CO)  
PSI (31.03.2015)

WEB COPY