

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2015

Coram

The Hon'ble Mr. Justice V.RAMASUBRAMANIAN
and
The Hon'ble Mr. Justice T.MATHIVANAN

A.S.Nos.1074 to 1076 of 2009
and
Cross Objn. Nos.79 to 81 of 2015

The Special Tahsildar,
Adi Dravidar Welfare,
Dharmapuri.

... Appellant/Referring
Officer in
all the appeals/
Respondent in
all the Cross Objectns.

Vs

Naina

... Respondent/Claimant in
A.S.No.1074/2009
and Cross Objector
in Cross Objn. No.81/
2015

Thulasi

... Respondent Claimant in
A.S.No.1075/2009
and Cross Objector
in Cross Objn. No.80/
2015

Jadayan

.. Respondent Claimant in
A.S.No.1076/2009
and Cross Objector
in Cross Objn. No.79/
2015

Appeals and Cross Objections preferred against the judgment
and decree dated 21.01.2003 in L.A.O.P.Nos.145, 147 and 148 of
1996 on the file of the Additional District Judge, Dharmapuri.

For Appellant .. Mr.P.Gunasekar,
Addl. Govt. Pleader
in all the appeals and
for the respondent in
all the Cross Objections

For Respondent .. Mr.V.R.Anna Gandhi
in all the appeals
and for the Cross Objectors
in all the Cross Objections

COMMON JUDGMENT

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

These appeals and cross objections arise out of the Award of the Land Acquisition Tribunal, Dharmapuri.

2.Heard Mr.P.Gunasekar, learned Additional Government Pleader appearing for the appellant/Special Tahsildar and Mr.V.R.Anna Gandhi, learned counsel for the land owners, who are the respondents in the appeals and objectors in the cross objections.

3.A vast extent of land in a village known as V.Jettihalli Village, Dharmapuri Taluk and District was acquired by the State of Tamil Nadu, for the purpose of providing house sites to Adi Dravidas. The Land Acquisition Officer fixed the compensation at Rs.290/- per cent, by his award bearing No.4/94 dated 20.10.1994.

4.On references made under Section 18 of the Land Acquisition Act, the Land Acquisition Tribunal arrived at the market value as Rs.25/- per sq. ft. However, the Tribunal deducted 50% towards development charges and fixed the compensation at Rs.12.50. Aggrieved by the said enhancement, the Special Tahsildar, has come up with the above appeals and the land owners have come up with the cross objections.

5.In a connected appeal arising out of the very same Notification under Section 4(1) of the Land Acquisition Act, a learned Judge of this Court dismissed the appeal filed by the Special Tahsildar in A.S.No.171 of 2004 by a judgment dated 31.08.2010, upholding the finding of the Land Acquisition Tribunal that the market rate of land was Rs.25/- per sq.ft. In that case, the Tribunal, by an award passed on 24.09.2003, in L.A.O.P.No.19 of 1997, deducted only 33 1/3% from the market rate of Rs.25/- per sq.ft. to arrive at the compensation as Rs.16.67 per sq.ft. The said yardstick was also followed by us by our judgment dated 30.06.2015 passed in A.S.Nos.929 to 931 of

2014. Therefore, the land owners in these appeals are also entitled to the very same rate of compensation viz., Rs.16.67 per sq.ft.

6. Therefore, the appeals filed by the Special Tahsildar are dismissed. The Cross Objections are allowed and the compensation payable to the land owners are fixed at Rs.16.67 per sq.ft., following the earlier judgments. All other benefits, shall be calculated as per the order of the Tribunal at this rate and the amounts shall be paid, within a period of three months from the date of receipt of a copy of this order. No costs.

7. The learned Additional Government Pleader is entitled to separate fees.

Sd/-
Asst. Registrar (CS III)

/true copy/

Sub Asst. Registrar

mmi

To

The Additional District Judge,
Dharmapuri.

Copy to:
The Section Officer,
VR Section, High Court, Madras.

+3 ccs to Mr.V.R.Annagandhi, Advocate, sr.36546 to 36548
+1 cc to The Government Pleader, sr.36560

A.S.Nos.1074 to 1076 of 2009
and
Cross Objn. Nos.79 to 81 of 2015

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