

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2015

CORAM

THE HON'BLE MS. JUSTICE R. MALA

A.S.No.481 of 2010

and

M.P.No.1 of 2010

The Special Tahsildar
Housing Scheme
Hosur

... Appellant/Referring Officer

-Vs-

1.Seepooriyappa

Thimmappa (Deceased)

3.Venkatappa

4.Muniyappa

...Respondents 1,3&4/Claimants

5.The Executive Engineer
Tamilnadu Housing Board
Hosur.

...5th Respondent/Beneficiary

6.Tmt.Thimmakka (a) Baba

...6th respondent/LR of R2
deceased claimant

(R6 brought on record as LR of the deceased R2 vide order of the Court dated 07.02.2014 made in M.P.No.2 to 4/2010 in A.S.No.481 of 2010)

Prayer :

Appeal filed under Section 96 of the C.P.C., against the judgment and decree dated 27.04.2001 made in LAOP.No.690 of 1996 on the file of the Subordinate Judge, Hosur.

For Appellant : Mr.P.Gunasekaran, A.G.P. (C.S).,

For Respondents : Mr.V.Raghavachari,
for R1, R3, R4 & R6
Mr.V.Anandhamoorthy, for R5

J U D G M E N T

The first appeal arises out of the judgment and decree dated 27.04.2001 made in LAOP.No.690 of 1996 on the file of the Subordinate Judge, Hosur.

2. When similar appeals were filed challenging the award passed in respect of very same land acquisition proceedings, this Court by an order dated 05.08.2010 in Appeal Suit Nos.429 to 449 of 2008 and etc. batch had passed the following order:

"16. Under the circumstances, this Court is not inclined to entertain the well considered judgments dated 13.6.2007 in three batches and the last judgment dated 13.8.2007, wherein its own earlier award was taken note of. Hence, all the Appeal Suits stand dismissed. In view of the peculiar circumstances of the case, the parties are allowed to bear their own costs. It is also made clear that though a common judgment is rendered in respect of all the appeals, the learned Special Government Pleader (A.S) and the learned Standing Counsel for SIPCOT are entitled to get separate set of fees in respect of each appeal."

3. It is submitted by the learned counsel appearing on either sides that the order passed by this Court was also confirmed by the Hon'ble Supreme Court and only because the second respondent/claimant had deceased, in order to implead his legal heirs, the present appeal was pending.

4. In such circumstances, in the light of the judgment of this Court made in Appeal Suit Nos.429 to 449 of 2008 and etc., batch, dated 05.08.2010, which was also confirmed by the Hon'ble Apex Court, the present appeal stands dismissed. Consequently, connected miscellaneous petition is closed. No costs.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To
1.The Subordinate Judge, Hosur.

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

+1cc to Mr.V. Anandhamurthy, Advocate, S.R.No.31413

+1cc to the Government Pleader, S.R.No.31321

KU(CO)
EU(27/07/2015)

A.S.No.481 of 2010



WEB COPY