

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.7.2015

CORAM

THE HONBLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HON'BLE MR.JUSTICE T.MATHIVANAN

A.S.Nos.750, 755, 770, 771, 812 and 883 of 2007

A.S.No.750 of 2007

The Special Tahsildar
Land Acquisition
SIPCOT, Unit 4
Irungattukottai Scheme
Katrambakkam Village
Sriperumbudur.

... Appellant/Referring
Officer in all the Appeals

Vs.

1. Jainabu ... R1 in AS.750/07
- M.Mohamed Aslam ... R1 in AS.755/07 & 771/07,812/02
& 883/2007
- S.K.M.Ibrahim (Died) ... R1 in AS.770/07
3. K.Saboor kamil
4. M.Mohammed Aslam
5. M.Noorsagar
6. M.Munir Ahmed
7. Tmt.K.Jainabu
8. K.Noorshameena

Respondents 3 to 8 are brought on record
as LRS of the deceased R1 vide order of
Court dated 15.07.2015 made in MP.1 to 3/2007

The Chairman and Managing Director
SIPCOT
No.19-A, Rukmani Lakshmipathy Road
Egmore, Chennai 600 008.

... 2nd Respondents/Claimant
Beneficiant in all the Appeals

Appeals under Section 54 of the Land Acquisition Act against the order dated 03.11.2005 made in

LAOP No.1003/2002
LAOP No.1008/2002 dated 03.11.2005
LAOP No.683/2002
LAOP No.684/2002
LAOP No.841/2002 and
LAOP No.1133/2002

on the file of the Additional District and Sessions Court (Fast Track Court No.4) Poonamallee respectively.

For Appellant : Mr.P.Gunasekaran, AGP (AS)
For Respondent-1 : Mr.P.Srinivasan
For Respondent-2 : Mr.Ramesh Venkatachalapathy

COMMON JUDGMENT
(Delivered by V.Ramasubramanian,J.)

These appeals are filed by the Special Tahsildar (Land Acquisition) under Section 54 of the Land Acquisition Act, 1894, questioning the correctness of the compensation awarded by the Land Acquisition Tribunal.

2. Heard Mr.P.Gunasekaran, learned Additional Government Pleader for the appellant, Messrs.P.Srinivasan and Mr.T.T.Ravichandran, learned counsel for the claimants and Mr.Ramesh Venkatachalapathy, learned counsel for SIPCOT, which is the requisitioning body.

3. A vast extent of land measuring about 12.54.5 hectares situate in Thandalam Village, Sriperumbudur Taluk, were sought to be acquired for the purpose of setting up an industrial complex by the State Industries Promotion Corporation of Tamil Nadu. A notification under Section 4(1) of the Land Acquisition Act was published in the Government Gazette, under G.O.Ms.No.49 dated 18.02.1997.

4. By an award bearing No.3 of 1998 passed on 31.8.1998, the Land Acquisition Officer fixed the compensation payable at Rs.300/- per cent.

5. Aggrieved by such fixation, the land owners sought references. The references were taken up on file by the Land Acquisition Tribunal, in a batch of about 325 cases. After trial, the Tribunal passed an award dated 03.11.2005, enhancing the compensation payable to Rs.3,240/- per cent. Aggrieved by such compensation, the Special Tahsildar has come up with the above appeals.

6. It appears that out of 325 cases disposed of by the Land Acquisition Tribunal by its award dated 03.11.2005, one set of appeals in A.S.Nos.577 to 580 of 2007 batch of cases, numbering about 308 came up before a Division Bench of this Court. By a judgment dated 03.12.2009, a Division Bench of this Court allowed the appeals of the Special Tahsildar partly and reduced the compensation payable from Rs.3,240/- per cent to Rs.2,200/- per cent. The operative portion of the judgment of the Division Bench dated 03.12.2009 in the above batch of 308 appeals, reads as follows:

"11. To sum up in the result, all the Appeals are partly allowed as indicated:

(1) the land value in all the appeals are fixed at Rs.2,200/- per cent with 30% solatium.

(2) the claimants are entitled to an additional amount of Rs.12% p.a. from the date of 4(1) notification till the date of Award of the Referring Officer, or taking possession of the land, whichever is earlier.

(3) The claimants are entitled to interest @ 9% for the first year from the date of taking possession of the land and @ 15% p.a. for every subsequent year on the amount calculated as market value till the date of deposit.

(4) Time for deposit of difference amount is fixed as three months.

(5) Any excess amount deposited, after satisfying the above award, is permitted to be withdrawn by the appellant in all the appeals.

(6) The learned Special Government Pleader (AS) and the learned counsel appearing for SIPCOT shall be entitled to separate fees for each of the appeals.

(7) There shall be no order as to costs.

The impugned judgment and decree are modified to the extent indicated above and in other respects, the same shall stand confirmed. Consequently, connected MPs are closed."

7. Unfortunately, the present batch of six appeals were left out when the said batch was taken up before the Division Bench in December 2009. Therefore, they are now listed before us.

8. It appears that the judgment delivered by this Court on 03.12.2009 has attained finality. The learned counsel on both sides do not contend that any appeal against the said judgment is pending before the Supreme Court at the instance of either of the parties. Therefore, we are of the considered view that the judgment dated 03.12.2009 applies squarely to the cases on hand.

9. However, it is contended by Mr.T.T.Ravichandran, learned counsel for the land owners in one of the said cases that the entire acquisition proceedings have now abated in view of Section 24(2) of The Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013. Therefore, according to the learned counsel, the land itself should be reverted back to the owners.

10. But, unfortunately for the respondents, we are today concerned with the appeals under Section 54 of the Act relating to the correctness of the quantum of compensation fixed. Therefore, we cannot go into the other questions. Hence, these appeals are disposed of, to the very same effect as ordered by the judgment dated 03.12.2009 in A.S.Nos.577 to 580 of 2007 batch of cases, whose operative operation we have extracted above. No costs. Consequently, connected M.Ps. are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kpl

To

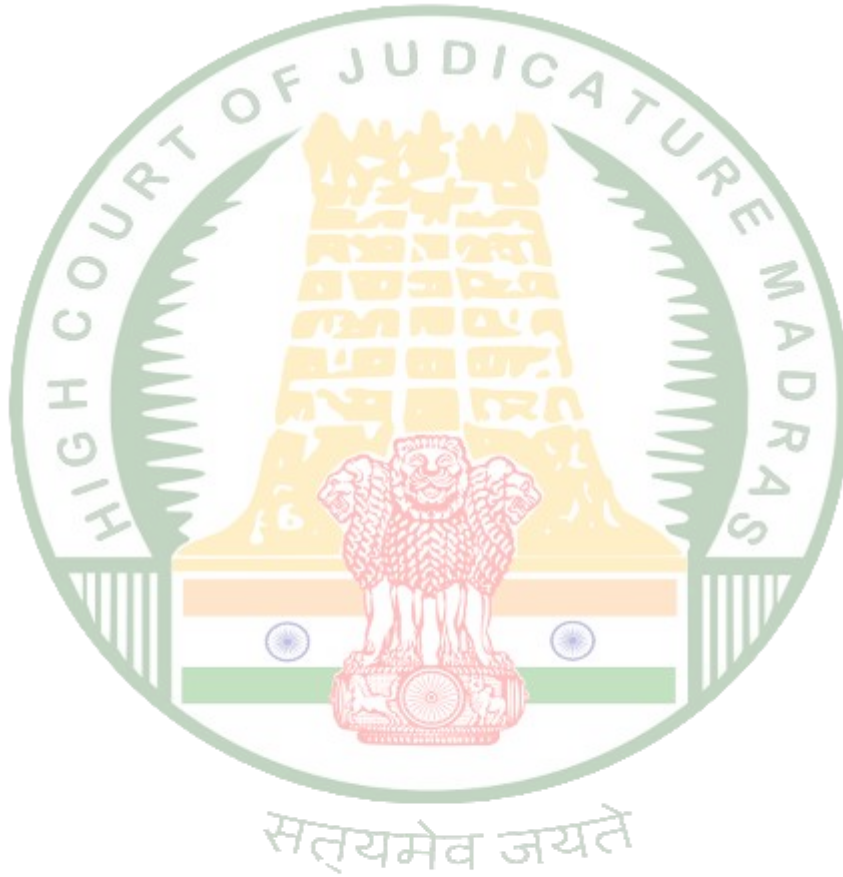
The Additional District and Sessions Court,
(Fast Track Court No.4), Poonamallee.

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+2cc's to Mr.P.Srinivasan, Advocate, S.R.No.35880
+6cc's to Mr.Ramesh Venkatachalapathy, Advocate,
S.R.No.36208 to 36213
+6cc's to the Government Pleader, S.R.No.36258 to 36263

A.S.No.750, 755, 770, 771,
812 and 883 of 2007

TEJ(CO)
CA(15/09/2015)



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