

\IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.04.2016

CORAM

THE HONOURABLE MR.JUSTICE N. KIRUBAKARAN

A.S. No. 62 of 2016

The Special Thasildar (LA) Unit-1,
Outer Ring Road Project,
Chennai Metropolitan Development
Authority,
Egmore, Chennai - 600 008.

..Appellant/Referring Officer

Vs.

1. Tmt. Vimala Gopalakrishnan ...R1/Ist Claimant
2. Tmt. Mallika Sridharan ... R2/2nd Claimant
3. The Member Secretary,
Chennai Metropolitan Development
Authority,
Egmore, Chennai - 8. R3/Requisition body

Prayer: Appeal filed U/S 54 of Land Acquisition Act as against
the judgment and decree in L.A.O.P. NO. 358 of 2009 dated
19.10.2012 passed by the learned Sub Judge, Tambaram.

For Appellant :: Mr.P. Gunasekaran,
Addl. Govt. Pleader (AS)

For Respondent1 & 2 :: Mr.P.B. Balaji

O R D E R

This appeal is filed by the Special Tahsildar (LA)
challenging the judgment and decree in L.A.O.P. NO. 358 of 2009
dated 19.10.2012 passed by the learned Sub Judge, Tambaram.

2. The property of respondents 1 and 2, comprised in S.No.
28/1A1A, to an extent of 0.03.0 hectares in Mudichur Village,
Tambaram Taluk, Kancheepuram District, was acquired for the
purpose of formation of outer ring road under Outer Ring Road
Project, by virtue of 4(1) notification, dated 14.11.2001. After
enquiry, by an award bearing Award No. 7/2004 passed on
29.10.2004, the Land Acquisition Officer fixed the market value
of the land at Rs.1000/- per cent. Aggrieved by the said
fixation, the land owners sought references under Section 18 of

the Land Acquisition Act to the Civil Court and after a full-fledged trial, the Trial Court fixed the market value at Rs.67,580/- per cent based on Ex-C6, the also awarded 30% solatium along with interest @ 12 % p.a. on solatium. The said decree is challenged by way of this appeal.

3. When the matter is taken up, it is brought to the notice of this Court that in similar connected matters, in A.S. Nos. 435 to 464 of 2013, this Court, by judgment dated 16.07.2015, confirmed the value fixed by the Civil Court at Rs.67,580/- per cent.

4. In view of the fixation of market value of the lands acquired from the same Mudichur Village at Rs.67,580/- per cent, by the Division Bench of this Court, it is appropriate to fix the same value for the lands in question, at Rs.67,580/- per cent and thus, the decree granted by the Civil Court is confirmed. The appeal fails and the same is dismissed. No costs.

5. The appellant is directed to pay the compensation to respondents 1 and 2 within a period of 12 weeks from the date of receipt of a copy of this order, failing which, the Member Secretary of Chennai Metropolitan Development Authority shall appear before this Court.

6. For compliance, post in the first week of August, 2016.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

1.The Subordinate Judge,
Subordinate Court,
Tambaram.

Copy to:

The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8.

+1cc to Mr.P.B.Balaji, Advocate sr.24061
+1cc to the Government Pleader Sr.23843

A.S. No. 62 of 2016

ev[co]
srg 19/05/2016