



A.S.No.617 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.12.2023

CORAM:

THE HON'BLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

A.S.No.617 of 2014

and

M.P.No. 1 of 2014

The Land Acquisition Officer &
The Special Tahsildar,
(Adi Dravidar Welfare Department),
Tirupattur.

....

Appellant

Vs

1. D.Subbramani Muthali (Deceased)

2. Senthamarai

3. Lalitha

4. Sumathi

5. Sundaramurthi

6. Malarvizhi

(RR2 to 6 are brought on record as LR's
of the deceased sole respondent vide order
dated 16.03.2016 made in M.P.Nos.1 to 3 of 2010
in A.S.No.617 of 2014)

7. The Principal Secretary,
Adi Dravidar and Tribal Welfare Department,
Fort St.George, Chennai – 9.
(R7 impleaded as a party respondent vide
order dated 05.08.2016 in A.S.No.617 of 2014)



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8. Union of India,
represented by its Secretary,
Ministry of Finance,
New Delhi.

9. Union of India,
represented by its Secretary,
Ministry of Rural Development,
Department of Land Resources,
(Land Reforms Divisions)
“G Wing”,
NBO Building, Nirman Bhawan,
New Delhi – 110 011.
(R8 and R9 are Suo Motu impleaded
as respondents 8 & 9, vide order dated
22.11.2016 made in A.S.No.617 of 2014)

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Respondents

PRAYER: Appeal Suit is filed under Section 54 of the Land Acquisition Act to set aside the decree passed in LAOP No.87 of 2000 dated 05.11.2003 on the file of the Sub Court, Tirupattur, Vellore District.

For Appellant : Mr.G.Velu, Government Advocate
For R1 to R6 : Mr.P.S.Kothandaraman

JUDGMENT

This Appeal Suit has been filed to set aside the decree dated 05.11.2003 passed in LAOP No.87 of 2000 on the file of the Sub Court, Tirupattur, Vellore District.



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2. This Court has passed an order on 12.04.2016, which is read as follows :

“3. There is no dispute with regard to the acquisition of land of the respondents by virtue of 4(1) notification dated 12.11.1986. The land acquired is comprised in S.Nos. 42/1, 42/2A and 89/1 of Solur Village, Vaniyambadi Taluk, to an extent of 2.35 cents. The Tahsildar, after considering the data sale deeds determined the compensation at Rs.12,173/- per acre. Therefore, the respondents filed Section 18 petition for reference and the matter was referred to the Civil Court. On enquiry, the Civil Court determined the value at Rs.5/- sq.ft, against which, the present appeal has been preferred by the Government.

4. Learned Additional Government Pleader would point out that another property, which also forms part of the same 4(1) notification dated 12.11.1986 was assessed at Rs.4/- per sq.ft. by this Court vide judgment rendered in Special Tahsildar (Land Acquisition), Adi-Dravidar Welfare, Tirupathur V. Valliammal and others reported in 2006 2 CTC 733. In this case, the Reference Court determined the value at Rs.5/- per suit, at deducting 15% towards developmental charges. Whereas, as per the judgment referred to above, this Court, in respect of another property, which is an adjacent land and



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which also forms part of the same notification, desermined the value at Rs.4/- sq.ft, after deducting 33.33% towards developmental charges.

5. In view of the above submission made by the learned Additional Government Pleader, since the Division Bench of this Court had already determined the market value of an adjacent land at Rs.4/- per sq.ft, this appeal is partly allowed re-determining the value of the land in question at Rs.4/-sq.ft, instead of Rs.5/- per sq.ft as fixed by the Civil Court.

*6. Though the Trial Court has given interest for the solatium, it has not granted interest on the compensation amount, for the period from the date of notification till the date of the award. As per the judgment of the Honourable Apex Court in **Sundar V. Union of India reported in 2001 7 SCC 211**, the respondents/claimants are entitled to interest for the aforesaid period also. Therefore, the appellant is directed to re-calculate the compensation and pay the amount to the claimants. The entire exercise shall be done and the amount shall either be deposited in Civil Court or paid to the respondent/claimants, on or before 25th July, 2016, failing which the District Collector concerned shall appear before his Court on 26th July, 2016.”*



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3. The learned counsel appearing for the respondents 2 to 6 submitted that as directed by this Court, the appellant has complied with the condition and the entire amount has been deposited and the same was withdrawn by the respondents 2 to 6.

4. Recording the said submission, this Appeal Suit is closed. Consequently, connected miscellaneous petition is closed. No costs.

13.12.2023

Index : Yes / No
Internet : Yes / No
Speaking order /Non-speaking order
Lpp

To

1. The Sub Court,
Tirupattur,
Vellore District.

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



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G.K.ILANTHIRAIYAN, J.

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