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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.4.2016

CORAM:

THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

A.S.No.83 of 2014

1.V.R.Saroja
2.H.Prabavathy
3.A.Pramila
4.V.Panchami
5.R.Priya
6.R.Jayaprakash

... Appellants/Claimants

Vs.

Special Tahsildar,
Land Acquisition Cell,
C.M.D.A. Koyembedu,
Chennai-600 092.

... Respondent/Referring Authority

PRAYER: Appeal Suit is filed under Section 54 of the Land Acquisition Act against the Common judgement and decree dated 18.04.2011 made in L.A.O.P.No.10 of 2010 on the file of 6th Asst. Judge, City Civil Court, Chennai.

For Appellants : Mr.K.Padmanabhan

For Respondent : Mr.P.Gunasekaran
Additional Government Pleader(AS)

J U D G M E N T

The claimants are before this Court aggrieved over the quantum of compensation determined by the Civil Court. The properties belonging to the appellants were acquired for the purpose of formation of Koyambedu Market Complex at Koyambedu by the Chennai Metropolitan Development Authority. Section 4(1) notification dated 25.09.2001 was published. The Special Tahsildar after enquiry, determined the value of the properties at Rs.407/- per sq.ft.

2. Not satisfied with the said quantum of compensation, at the instance of the claimants, Section-18 reference was made to the Civil Court. The Civil Court determined the value of the land at Rs.1100/- per sq.ft. Against the said determination, the present appeal has been filed.



3. Heard Mr.K.Padmanabhan, learned counsel appearing for the appellants and Mr.P.Gunasekaran, learned Additional Government Pleader (AS) appearing for the respondent.

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4. The learned counsel appearing for the appellants relied on a judgement of this Court in A.S.Nos.171,873 & 875 of 2012 dated 03.08.2012. Section 4(1) notification was issued for formation of Koyambedu Market Complex at Koyambedu, by the Chennai Metropolitan Development Authority. The Division Bench of this Court in A.S.No.740 of 2010 by a judgement dated 15.09.2011, determined the value at Rs.1260/- per sq.ft. as compensation.

5. When a Division Bench of this Court determined the compensation for the similar type of lands acquired for formation of Koyambedu Market Complex at Koyambedu, by virtue of the same 4(1) notification, the same value has necessarily to be determined by this Court.

6. It is to be noted that no appeal has been filed against the determination arrived at by the Division Bench of this Court in A.S.No.740 of 2010 dated 15.09.2011 and therefore, the respondent is bound to pay the amount at Rs.1260/- per sq.ft. as per the judgement in A.S.No.740 of 2010 dated 15.09.2011.

7. Accordingly the appeal suit is allowed enhancing the compensation amount from Rs.1100/- per sq.ft. to Rs.1260/- per sq.ft. with usual statutory benefits. No costs.

8. The award amount as per the order of this Court is directed to be deposited within 12 weeks from the date of the receipt of a copy of the order, failing which, the Collector, Chennai shall appear before this Court on 30 September, 2016.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vk

To

1.The 6th Assistant Judge,
City Civil Court,
Chennai.



2.The Special Tahsildar,
Land Acquisition Cell,
CMDA, Koyembedu,
Chennai 92.

3.The District Collector,
Chennai.

4.The Section Officer,
Judicial Section,
High Court, Madras.

+1cc to Mr.K.Padmanabhan, Advocate, S.R.No.25453
+1cc to the Government Pleader, S.R.No.25645

A.S.No.83 of 2014

PUR(CO)
CA(05/08/2016)