

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.01.2016

CORAM:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

A.S.No.180 of 2010 &

M.P.No.1 of 2010

1. Union of India
Rep. By Secretary to Government
Revenue Department
Pondicherry
2. Deputy Collector (Rev)-cum-
The Land Acquisition Officer
Karaikal ... Appellants/Respondents

Vs.

Arief Maricar ... Respondent/Petitioner

APPEAL filed under Section 54 of Land Acquisition Act to set aside the order dated 28.02.2007 in an award in L.A.O.P.No.5 of 2003 on the file of Additional District Court, Pondicherry at Karaikal.

For Appellants : Mr.K.Tamilvanan
Govt. Pleader, Pondicherry

For Respondent : Mr.T.P.Manoharan

J U D G M E N T

Challenging the award of compensation passed in L.A.O.P.No.5 of 2003 on the file of Additional District Court, Pondicherry at Karaikal, the Government has filed the above First Appeal.

2. By award dated 28.02.2007, the Additional District Court, Karaikal, fixed the compensation at Rs.4,793/- per Are.

3. Originally, the compensation was fixed at Rs.1,200/- per Are for the wet-lands. Not satisfied with the award passed by the Acquisition Officer, the claimant sought for

reference under section 18 of the Land Acquisition Act. On reference, the Reference Court, took into consideration Ex.A4 sale deed dated 7.7.1998, enhanced the compensation to Rs.4,793/- per Are. Notification for acquisition was issued on 3.8.1998.

4. Taking into consideration Ex.A4 sale deed, the court below fixed the compensation at Rs.4,793/- per Are with 12% interest from the date of 4(1) Notification dated 3.8.1998 to 12.4.1999 along with 30% solatium of the market value with a deduction of 20% for development charges.

5. Challenging the award passed by the Reference Court, the Government has filed the above First Appeal.

6. When the matter is taken up for hearing, learned counsel appearing for the claimant submitted that this court in a batch of First Appeals in A.S.Nos. 889 of 2014 etc., batch, by its judgment dated 28.07.2010, in respect of the acquisition under the same notification, fixed the compensation at Rs.4,793/- per Are.

7. It is also brought to the notice of this court that as against the judgment dated 28.07.2010, the Government has not preferred any appeal, therefore, the said judgment has become final.

8. On a perusal of the judgment passed in the First Appeals in A.S.Nos. 889 of 2014 etc., batch, it is clear that the subject matter of the present appeal is covered by the judgment passed in those First Appeals. Hence, I am of the view that the award passed by the Reference Court in L.A.O.P.No.5 of 2003 have to be confirmed in view of the judgment passed in A.S.Nos. 889 of 2014 etc., batch.

9. In these circumstances, the judgment and decree passed in L.A.O.P.No.5 of 2003 are confirmed and the First Appeal is liable to be rejected. Accordingly, the First Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-

Assistant Registrar

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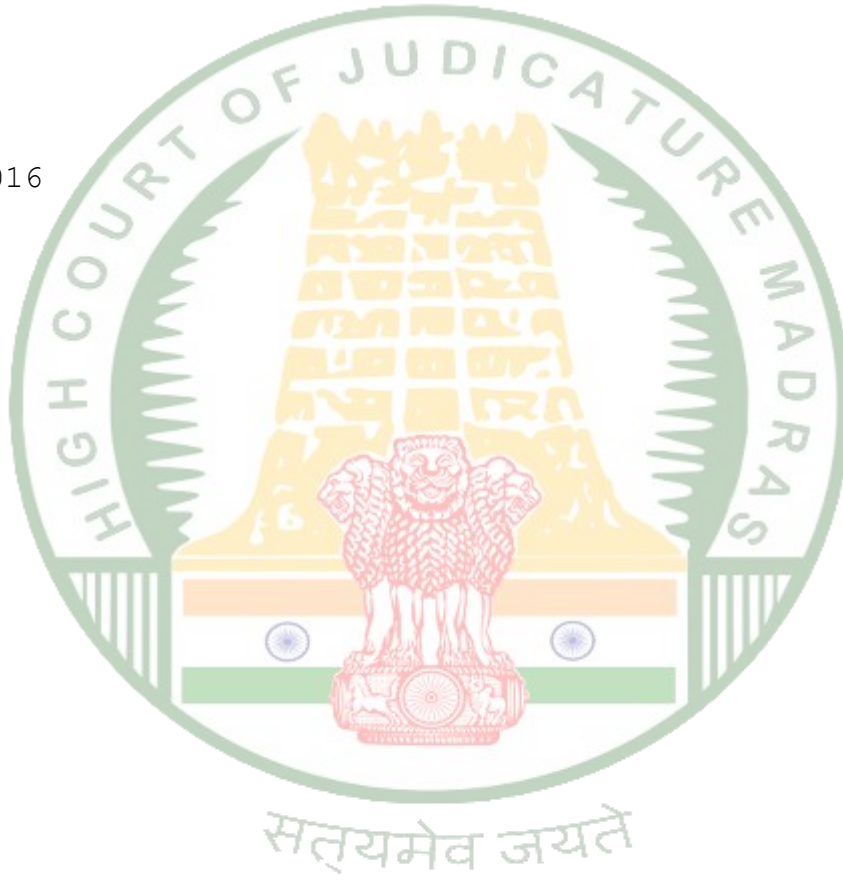
Sub-Assistant Registrar

To

The Additional District Judge,
Pondicherry at Karaikal.

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