

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

A.S.Nos.455, 456, 457, 1119 and 1120 of 2007
and MP No.2 of 2007 in A.S.No.455 of 2007

1. The Special Tahsildar (Land Acquisition),
Namakkal.
 2. The Registrar,
Tamilnadu Veterinary &
Agriculture University,
Coimbatore. Appellants in all the appeals
- Vs
- Nachiammal ...Respondent in A.S.No.455 of 2007
- 1.Kolandaimmal
2.Chinna Gounder ...Respondent in A.S.No.456 of 2007
- 1.Selvaraj
2.Pappathi
3.Ramayee
4.Laxmanan ...Respondent in A.S.No.457 of 2007
- S.Palanivelu ...Respondent in A.S.No.1119 of 2007
1. S.Kandaswamy,
2. S.Palanivelu
3. Nallammal
4. Kaliammal ...Respondent in A.S.No.1120 of 2007

Prayer in all the appeals:-

These appeals are filed against the Judgment and Decree, made in LAOP.Nos.9 of 2003, 10 of 2003 and 11, 5 and 6 of 2003 dated 08.04.2004 and 25.03.2004 respectively, on the file of the Additional District Judge, Fast Track Court No.III, Namakkal enhancing the compensation payable for the Lands acquired.

For Appellant in
all the appeals : Mr.Gunasekaran, AGP

For Respondents in
AS.1119 & 1120/07 : Mr.V. Udhayakumar

For Respondents : No Appearance

C O M M O N J U D G M E N T

All these appeals arise out of the common judgment of the Additional District Court [Fast Track Court, Namakkal] dated 08.04.2004 made in LAOP Nos.5, 6, 9, 10 and 11 of 2003.

2. An extent about 12.80 acres of land was acquired for the purpose of establishment of Veterinary College and Research Institute in Laddivadi Village, Namakkal Taluk. The notification under section 4(i) was published on 12.04.1987 and the award came to be passed on 24.02.1989. Under the award the Land Acquisition Officer had fixed a compensation of Rs.9,756/- per acre of dry lands and Rs.15,000/- per acre of wet land. Claiming that the compensation fixed is too low, the land owners sought for reference under Section 18 and accordingly references were made by the Land Acquisition Officer to the Court under Section 18 of the Land Acquisition Act. The references were numbered as LAOP Nos.2, 3, 4, 7, 8, 9, 10 and 11 of 2003.

3. With reference to some other lands that were acquired under the same scheme, there was an earlier reference in LAOP No.305 of 2000, which was disposed of by the Sub Court, Namakkal on 25.06.2002. The said award is marked as Ex.A5 in the proceedings before the Trial Court. The Trial Court, on consideration of the sale deeds produced by the land owners, as well as the judgment in LAOP No.305 of 2000 dated 25.06.2002 has enhanced the compensation to Rs.45,000/- per acre for all the lands. Aggrieved by the said enhancement, the present appeals have been filed by the Special Tahsildar, Land Acquisition.

4. Heard Mr.Gunasekaran, learned Government Pleader appearing for the appellants and Mr.V.Udayakumar, learned counsel appearing for the respondents in A.S.Nos.1119 and 1120 of 2007. In the other appeals, though the respondents have been served, they have not entered appearance through counsel. Their names are printed in cause list.

5. The following point emerges for determination in the appeal:-

"Whether the compensation has fixed by the Trial Court is reasonable and based on evidence?

6. When the matters were listed earlier, I found that atleast 8 LAOPs were disposed by the Trial Court under the common judgment dated 08.04.2004 and there were only five appeals that were listed before me. Therefore, I had requested the learned Government Pleader to find out the fate of the other appeals. After verification, the learned Government Pleader had reported that appeals filed by the Government in A.S.SR.Nos.44213/2006, 44221/2006, 44223/2006, 44225/2006 and 44227/2006 against LAOP Nos.8, 7, 4, 3 and 2 of 2003 respectively, were disposed of at S.R. Stage on 17.08.2010, as the delay in re-representation was not condoned.

7. It is also seen that no appeal has been filed against the judgment dated 25.06.2002 in LAOP No.305 of 2000, which also arises out of the very same acquisition. Since the acquisition being for the same purpose and the lands are contiguous lands, I am of the opinion that the value fixed for the lands in LAOP No.305 of 2000 can be adopted as the market value as on the date of Acquisition. The said judgment in LAOP No.305 of 2000 has been produced as Ex.A5, wherein the Trial Court has granted Rs.45,000/- per acre as compensation.

8. In the impugned awards also the learned District Judge had relied upon the said award made in LAOP No.305 of 2000 as the basis for fixing the value of Rs.45,000/- per acre. Apart from the above, since the appeals arising out of other LAOPs have already been dismissed even at the S.R. Stage, I do not see any reason for interfering with the judgment of the learned Additional District Judge, [Fast Track Court, Namakkal]. No cause for reduction of the compensation has been made out.

9. Hence, all these appeals are dismissed by confirming the judgment and decree of the Trial Court and there shall be no order as to costs in these appeals. The Government pleader will be entitled for separate fee in each appeal. Consequently connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CCC)

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Sub Assistant Registrar

kmi

To

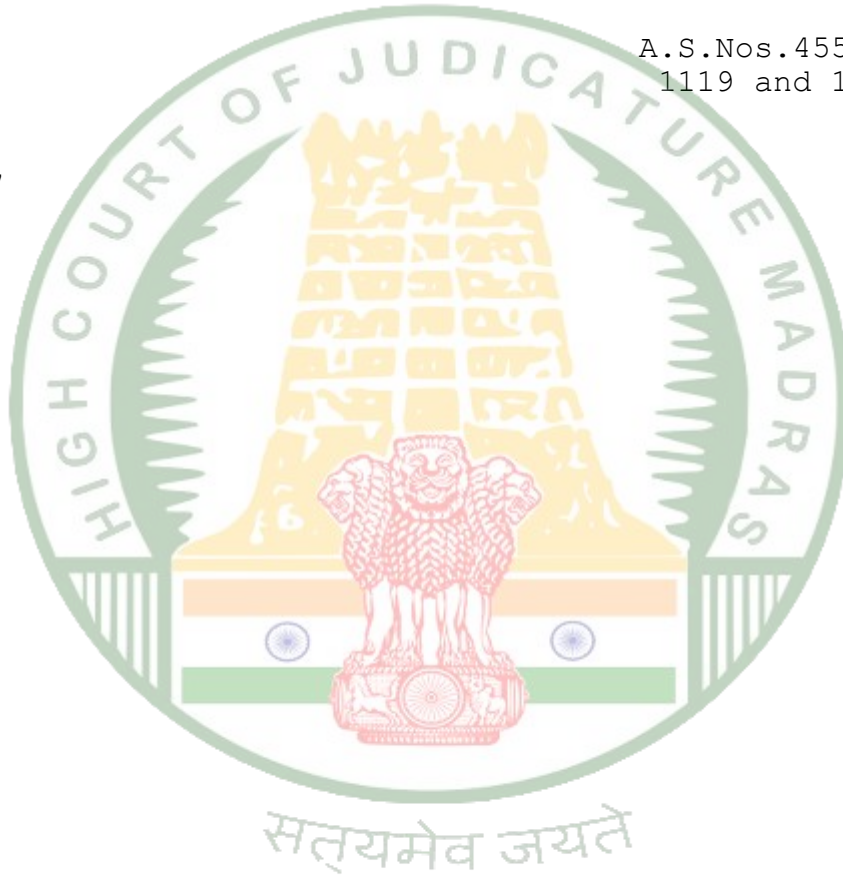
1. The Additional District Judge,
Fast Track Court No.III, Namakkal.

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

+ 1 cc to Government Pleaded to 67487 to 67 490 & 67547

A.S.Nos.455, 456, 457,
1119 and 1120 of 2007

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