

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2016

CORAM

THE HONOURABLE DR. JUSTICE. **S.VIMALA**

CRP (NPD)No.585 of 2016
and
C.M.P.No.3101 of 2016

1.M.Ramalingam
2.R.Nagaraj
3.Varadaraj
4.V.Uma
5.V.Ramkumar

...

Petitioners/Petitioners/
Appellants

..Vs..

1.State of Tamil Nadu by
the District Collector,
Erode District,
Erode-11.

2.The District Collector,
Erode District,
Erode-11.

3.The Special Tahsildar
(Harijan Welfare),
Erode.

...

Respondents/Respondents
Respondents.

Prayer:- Revision Petition is filed under Article 227 of the Constitution of India, against the Fair and final order dated 07.01.2016 made in I.A.No.26 of 2015 in C.M.A.No.7/2001 on the file of the Principal Subordinate Judge, Erode.

For Petitioners : Mr.P.Kannakumar
For Respondents : Mrs.M.Jayasree (C.S.)
Special Government Pleader

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ORDER

This Civil Revision Petition has been filed by the petitioners/appellants against the Fair and final order, dated 07.01.2016 made in I.A.No.26 of 2015 in C.M.A.No.7/2001, on the file of the Principal Subordinate Judge, Erode.

2. The Special Tahsildhar (Harijan Welfare), Erode, passed an award dated 21.11.2000 in award No.5/2000, fixing the price of the land at Rs.1,50,000/- per acre.

2.1. An Appeal was filed under Section 9 of the Tamil Nadu Acquisition of Land for Harijan Welfare Scheme Act seeking to fix the compensation amount at Rs.2,00,000/- per acre for the lands acquired.

2.2. At that point of time, the petitioners/appellants have no sufficient data for seeking higher amount of compensation. Similar

Civil Miscellaneous appeals came before this Court in respect of the lands acquired in Survey No.408/1-B of Kodumudi Village for which award has already been passed in Award No. 72/1999 dated 19.03.1999. These lands have been acquired even prior to the acquisition of lands concerned in the appeal.

2.3. Thereafter, the land owners preferred C.M.A.Nos.16 and 17 of 2002 before the Fast Track Court, Erode. The Court, after due enquiry, has fixed a sum of Rs.110/- per square feet by an order dated 05.07.2002. The Government preferred a second appeal before this Court in S.A.Nos.200 and 201 of 2003. This Court confirmed the order of the Fast Track Court, Erode fixing the price at Rs.110/- per square feet.

2.4. It is the case of the claimants that the lands in question are located in the near vicinity of the land for which prices had already been fixed. The lands of the claimants are stated to have similar developments, advantages and potentialities as that involved in the various proceedings of this Court.

2.5. The claimants filed an application in I.A.No.26 of 2015, before the Principal Subordinate Judge, Erode seeking amendment of

their claim at Rs.110/- per square feet (at Rs. 47,96,008) $(43,600 \times 110 = \text{Rs.}47,96,000)$ per acre.

2.6. The Court below after hearing both sides partly allowed the application granting amendment to the extent of fixing the value at Rs.40/- per square feet, with an observation that the said amount cannot be claimed to be the final quantum and the Court will be at liberty to come to its own conclusion after enquiry in the main trial. Challenging the same, this revision petition has been filed.

3. As already discussed, the lands which are similarly placed for which, compensation value has been fixed at Rs.110/- and value has been confirmed in the proceedings of this Court. Therefore, it is just, fair and necessary to permit amendment of the claim to the value at Rs.110/- per square feet. Permitting the claimant to amend the petition cannot cause any prejudice to the other side, because, it is a matter to be proved in the Court of law.

4. The learned Government Advocate fairly concedes that in similar matters, such order has been passed.

5. Under such circumstances, the Civil Revision Petition is

allowed permitting the claimants to amend the claim at Rs.110/- per square feet.

6. Accordingly, the present Civil Revision Petition is allowed to the extent indicated above. Since the Civil Miscellaneous Appeal in C.M.A.No.7 of 2001 is pending for a long time, the Court below is directed to dispose of the said appeal within a period of two months from the date of receipt of a copy of this order. No costs.

18.03.2016

Index : Yes/No
Internet: Yes/No
arr/ogy

Note: Issue order copy on 26.04.2016

To

1. The VI Assistant City Civil Court, Chennai.

S.VIMALA.J

arr/ogy

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