

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 15.06.2016

CORAM:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

A.S.Nos.685 to 687 of 2003 &
C.M.P.No.11028 of 2003 in A.S.No.687 of 2003

The Land Acquisition Officer
and Sub Collector
Hosur

... Appellant in all Appeals/
Referring Officer

v.

- 1.Pukkappa
- 2.Narayanappa
- 3.Gambamma
- 4.V.Venkatesan
- 5.Nagarajan
- 6.P.Subramanian
- 7.Ponnammal
- 8.Kandammal
- 9.Radha
- 10.Neela
- 11.Lakshmi
- 12.Jeya

- 13.The Administrative Officer
Electrical & Electronics
Industrial Estate
Hosur

- 14.The Tamil Nadu Small Industries Development
Corporation Ltd.,
Rep. By its General Manager
Industrial Estate
(Near Electronic Complex)
Guindy, Chennai - 600 032.
(R14 impleaded as party respondent
vide order of court dated 14.8.2008
made in CMP No.1321/2008)

..Respondents A.S.No.685/2003/
Claimants 1 & 3 to 12 and
Beneficiary

- 1.Nillamma
- 2.Chennamma
- 3.Thiracchayani

4.The Administrative Officer
Electrical & Electronics
Industrial Estate
Hosur

5.The Tamil Nadu Small Industries Development
Corporation Ltd.,
Rep. By its General Manager
Paulwels Road, Kathipana Junction,
Chennai -16.

(R5 impleaded as party respondent vide order of
court dated 17.2.2004 made in CMP No.1950/2004)

..Respondents A.S.686/2003
Claimants & Beneficiary

- 1.Anjappa
- 2.Perumal
- 3.Chinnasamy
- 4.Govindasamy
- 5.Srinivasalu
- 6.Elemurugan

7.The Administrative Officer
Electrical & Electronics
Industrial Estate
Hosur

8.The Tamil Nadu Small Industries Development
Corporation Ltd.,
Rep. By its General Manager
Industrial Estate
(Near Electronic Complex)
Guindy, Chennai - 600 032.

(R8 impleaded as party respondent vide order of
court dated 14.8.2008 made in CMP No.1322/2008)

..Respondents A.S.No.687/2003

APPEALS filed under Section 54 of the Land Acquisition
Act against the judgment and decree of the Subordinate Judge of
Hosur in LAOP Nos.364, 372 and 385 of 1996 respectively dated
11.7.2001.

For Appellant : P.Gunasekaran
Addl. Govt. Pleader (AS)

For Respondents : Mr.D.Shivakumaran
- for R2 to R12 in A.S.No.685/2003 &
- for R1 to R3 in A.S.No.686/2003

Mr.B.Manoharan
- for R14 in A.S.No.685/2003

Mr.B.Santhakumar
- for R5 in A.S.No.686/2003 &
- for R8 in A.S.No.687/2003
Mr.S. Mahimai Raj for RR 1to6
in AS.687/03

R1 in AS.685/03- died - steps taken

R4 - No appearance
in A.S.No.686/2003

R7 - No appearance
in A.S.No.687/2003

R13- No. Appearance in AS.685/03

COMMON JUDGMENT

Challenging the award passed in LAOP Nos.364, 372 and 385 of 1996 on the file of Subordinate Court, Hosur, the Referring Officer has filed the above appeals.

2. An extent of land measuring 9.90.5 hectares situated in Hosur, Village of Dharmapuri District, presently at Krishnagiri District, was acquired for the purpose of establishing Electrical and Electronic Estate at Hosur.

3. Section 4(1) Notification was issued on 23.11.1988 and the Sub Collector, Hosur held enquiry and gathered sales statistics between 21.12.1987 and 20.12.1988.

4. The Land Acquisition Officer considered Survey No.857/2 to an extent of 25 cents of Hosur Village sold for a sum of Rs.25,000/- by a sale deed dated 14.12.1988 as data land. The Acquisition Officer found that the data land was similar to the lands under acquisition and fixed the market value at Rs.1,76,429/- per hectare.

5. The owners objected to the fixation of price and made reference under section 18 of the Land Acquisition Act before the Reference Court.

6. The Sub Court, after taking into consideration the oral and documentary evidences let in by the parties enhanced the compensation to Rs.6,00,000/- per acre equivalent to Rs.14,82,000/- per hectare.

7. Challenging the value fixed by the Reference Court, the Reference Officer, has filed the above appeals.

8. When the appeals are taken up for hearing Mr.P.Gunasekaran, learned Additional Government Pleader, appearing for the appellant submitted that the Division Bench of this court had already confirmed the value fixed by the Reference Court arising out of the same award by its judgment and decree dated 14.12.2011 in A.S.Nos.705 of 1998 etc., batch.

9. Mr.D.Shivakumaran, learned counsel appearing for the respondents-claimants also submitted that the issue involved in the present appeals are covered by the decision made by the Division Bench of this court in A.S.Nos.705 of 1998 etc., batch.

10. The learned Additional Government Pleader also produced the copy of the judgment passed by the Division Bench of this court on 14.12.2011 and on perusal of the same, it could be seen that the Division Bench had confirmed the compensation of Rs.6,00,000/- per acre fixed by the Reference Court.

11. Since the issue involved in the present appeals are covered by the decision made by the Division Bench of this court, following the same, I confirm the judgment and decree passed by the Sub Court, Hosur in LAOP Nos.364, 372 and 385 of 1996. Accordingly, the above appeals are liable to be dismissed. Accordingly the same are dismissed. The appellant is directed to deposit the award amount, within a period of three months from the date of receipt of a copy of this judgment. It is also made clear that the legal representatives of the deceased respondent are given liberty to file appropriate application before the Executing Court for withdrawing the amount to be deposited by the appellant.

With these observations, the appeals are dismissed.
No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

Rj

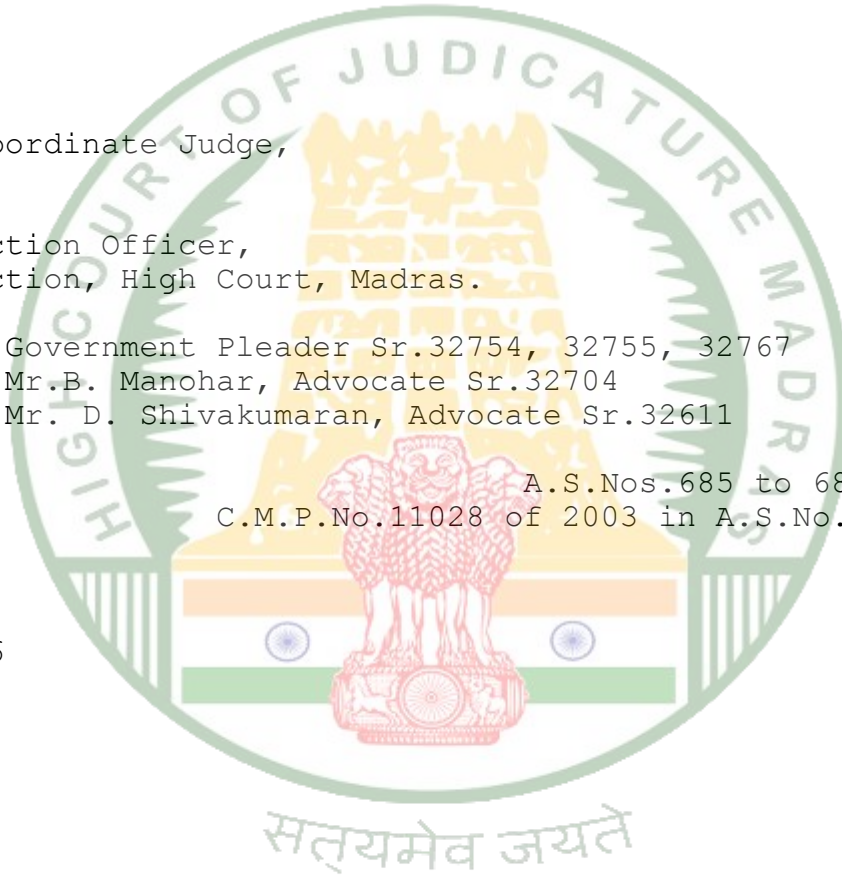
To

1. The Subordinate Judge,
Hosur.
2. The Section Officer,
VR Section, High Court, Madras.

+ 1 cc to Government Pleader Sr.32754, 32755, 32767
+ 1 cc to Mr.B. Manohar, Advocate Sr.32704
+ 1 cc to Mr. D. Shivakumaran, Advocate Sr.32611

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C.M.P.No.11028 of 2003 in A.S.No.687 of 2003

NM(CO)
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