



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2016

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

A.S.(MD)Nos.70 to 72 of 2016

and

C.M.P.(MD)Nos.4083 to 4085 of 2016

i) In A.S.(MD)No.70 of 2016

The Special Tahsildar(LA),
Special Minor Irrigation Programme,
Virudhunagar.

.. Appellant/Referring Officer

Vs.

Alagarsamy

.. Respondent / Claimant

ii) In A.S.(MD)No.71 of 2016

The Special Tahsildar(LA),
Special Minor Irrigation Programme,
Virudhunagar.

.. Appellant/Referring Officer

Vs.

S.Mariyammal

.. Respondent / Claimant

iii) In A.S.(MD)No.72 of 2016

The Special Tahsildar(LA),
Special Minor Irrigation Programme,
Virudhunagar.

.. Appellant/Referring Officer

Vs.

1. Sarojini
2. Jayasuriyan
3. Jeyalakshmi

.. Respondents 2 to4/ Claimants

COMMON PRAYER: Appeal Suit filed under Section 54 of the Land Acquisition Act, to set aside the Decree passed in L.A.O.P.Nos.9,5 and 8 of 2001, dated 18.11.2002 on the file of the Land Acquisition



Tribunal, Subordinate Court, Aruppukottai respectively.

For Appellant in : Mr.S.Kumar
(all ASs) Government Advocate
For Respondents : Mr.D.Chakravarthi

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COMMON JUDGMENT

These Appeals have been filed by the Land Acquisition Officer in connection with the acquisition of land for Special Minor Irrigation Programme, Virudhunagar.

2. In these cases, acquisition was made under Section 4(1) of the Land Acquisition Act, dated 19.02.1993 for irrigation scheme and as against the award of the Land Acquisition Officer fixing market value at Rs.14,114.30/- per Hectare, the Land Acquisition Tribunal has fixed the compensation at Rs.2,450/-.

3. Aggrieved by the order passed by the Land Acquisition Tribunal, namely, the Land Acquisition Tribunal, Subordinate Court, Aruppukottai in L.A.O.P.Nos.5,8 and 9 of 2001, dated 18.11.2002, the above appeals have been preferred. The appeals are only in respect of quantum of compensation for the lands acquired.

4. The learned Additional Government Pleader brought to the notice of this Court that a compromise had been arrived between some of the claimants and the Land Acquisition Officer in respect of other parts of the lands acquired under the same notification. In a batch of five cases, the claimants in unnumbered cases in first appeals have entered into a compromise with the Referring Officer and the award has been passed by the Lok Adalath dated 13.06.2015. The award that was passed in one of the cases is extracted for convenience.

"Both parties agreed fixation of the market value for the land acquitted of Rs.2,000/-(Rupees Two Thousand only) per cent instead of Rs.2,450/- (Rupees Two Thousand Four Hundred and Fifty only) per cent. In other respects, the award of the Tribunal shall stand confirmed. It is submitted by the Revenue Divisional Officer that as soon as the award is made she will take necessary steps to publish the G.O., by sending proposals to the Government. The appellants shall make the deposit on or before 30.09.2015.

The Court fee paid shall be refunded to the parties in the manner provided under the Court Fees Act 1870 as provided for under Sub Section 1 of Section 21 of the LSA ACT 1987 as amended in 1994.



The original of the award shall be placed in the Court record and copy of the award shall be kept with High Court Legal Service committee and one copy each is furnished to both parties free of cost."

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5. The learned Additional Government Pleader as well as the respondents/claimants in the above appeals have also agreed that they will be satisfied if the order of the Land Acquisition Tribunal is modified by fixing the market value at the rate of Rs.2,000/- per cent. Accordingly, the learned counsel for the Additional Government Pleader as well as the claimants made an endorsement to the effect that this Court can dispose the above appeals in terms of the award passed by the Lok Adalath, dated 13.06.2015 in respect of the connected appeals which were in SR stage.

6. The Judgment and Decree of the Land Acquisition Tribunal in the above appeals are modified by fixing compensation for the lands at the rate of Rs.2,000/- (Rupees Two Thousand only) per cent instead of Rs.2,450/- per cent. Accordingly, these appeals are disposed of.

7. Since the Government before Lok Adalath agreed that they would deposit the amount on or before 30.09.2015, this Court also direct the appellant to deposit the amount within three months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CO)

/True Copy/

Sub Assistant Registrar

To

1. The Subordinate Judge,
The Land Acquisition Tribunal,
Aruppukottai.
2. The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court,
Madurai.

+ 3 CC TO Mr.D.SAKRAVARTHI, ADVOCATE IN SR No. 81443 TO 81445
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 81565

PMU

TE/SV-MMS : 10/02/2017 : 3P/7C