



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 16.12.2016

CORAM :

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

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Appeal Suit (MD) Nos.40, 103 and 187 of 2015
and
M.P.(MD)Nos.1, 1 and 2 of 2015

A.S.(MD)No.40 of 2015:

The Special Tahsildar (ADW),
Paramakudi.

... Referring Officer/Appellant

-Vs-

Late. Ammalu Ammal
1.Aranmanai Kulandai (Died)
2.Sugumari
3.Rakku

... Claimants/Respondents

(First respondent died. 2nd and 3rd respondents are recorded as LRs of the deceased first respondent vide Court order dated 24.11.2016. Memo is recorded. Memo USR No.- dated 11.11.2016 made in A.S.No.40 of 2015 by BGJ)

Prayer: Appeal Suit filed under Section 54 of Land Acquisition Act, praying to set aside the Judgment and Decree dated 01.04.2008 made in L.A.O.P.No.16 of 2000 on the file of the Sub Court, Paramakudi.

For Appellant : Mr.S.Kumar
Additional Government Pleader
For Respondents 2&3 : K.Kumaravel

A.S.(MD)No.103 of 2015

The Special Tahsildar (ADW),
Paramakudi.

... Referring Officer/Appellant

-Vs-

Nagarajan
2.Chanthira
3.Saravanan
4.Geetharamani
5.Velmurugan

... Claimant/Respondent

... Respondents 2to6 / LRs of the
deceased 1st Respondent



(Respondents 2 to 6 are brought on record as LR's of the deceased sole respondent vide Court order dated 24.11.2016 made in C.M.P. (MD) No.10811 to 10813 of 2016 in A.S.No.103 of 2015 by BGJ)

Prayer: Appeal Suit filed under Section 54 of Land Acquisition Act, praying to set aside the Judgment and Decree dated 01.04.2008 made in L.A.O.P.No.15 of 2000 on the file of the Sub Court, Paramakudi.

For Appellant : Mr.S.Kumar
Additional Government Pleader
For Respondents : K.Kumaravel

A.S.(MD)No.187 of 2015:

The Special Tahsildar (ADW),
Paramakudi. ... Referring Officer/Appellant

-Vs-

Rakkammal ... Claimant/Respondent

Prayer: Appeal Suit filed under Section 54 of Land Acquisition Act, praying to set aside the Judgment and Decree dated 01.04.2008 made in L.A.O.P.No.14 of 2000 on the file of the Sub Court, Paramakudi.

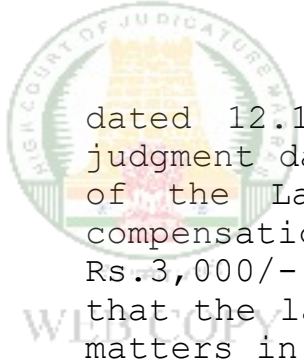
For Appellant : Mr.S.Kumar
Additional Government Pleader
For Respondent : K.Kumaravel

COMMON JUDGMENT

All the appeals have been filed by the Land Acquisition Officer / Referring Officer as against the judgment and decree of the Land Acquisition Tribunal in L.A.O.P.Nos.16, 15 and 14 of 2000.

2.In all the cases, the Land Acquisition Officer has fixed compensation at the rate of Rs.168.96 per cent. The notification under Section 4(1) of the Land Acquisition Act in all the cases was made on 30.06.1995. The award was passed on 28.07.1997.

3.It is not in dispute that in respect of similar lands covered by the same notification under Section 4(1) of the Land Acquisition Act, as against the judgment and decree of the Land Acquisition Tribunal in L.A.O.P.Nos.12 and 17 of 2000 and Nos.18 and 19 of 2000, appeals have been filed in A.S.(MD)Nos.22 and 23 of 2010 and A.S.(MD)No.190 of 2014. All the above appeals namely A.S.(MD)Nos.22 and 23 of 2010 was disposed of by a judgment



dated 12.11.2014 and A.S.(MD)No.190 of 2014 was disposed by a judgment dated 17.11.2014. In all the above appeals, the judgment of the Land Acquisition Tribunal was modified by fixing the compensation at Rs.2,750/- per cent as against the sum of Rs.3,000/- per cent fixed by the Tribunal. It is not in dispute that the lands covered under the same notification are the subject matters in the present appeals.

4.Having regard to the fact that the lands are covered under the same notification and it is not disputed before this Court about the similarity of the lands by the learned Additional Government Pleader in all the above appeals, I find it appropriate to follow the judgments of this Court dated 12.11.2014 and 17.11.2014 made in A.S.(MD)Nos.22 & 23 of 2010 and A.S.(MD)No.190 of 2014 respectively and fix the compensation at the rate of Rs.2,750/- per cent.

5.In the result, all the appeals are **allowed only in part** and the award of the Tribunal is modified to the effect that the compensation is determined by fixing the market rate at Rs.2,750/- per cent. The respondents / claimants are entitled to all other statutory benefits in accordance with the provisions of the Land Acquisition Act. However, there is no order as to costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

/True copy/

Sub Assistant Registrar

To
The Subordinate Judge, Paramakudi.

+1 CC to Mr.K.KUMARAVEL, Advocate, SR No.81331

Judgment made in
Appeal Suit (MD) Nos.40, 103 and 187 of 2015
16.12.2016

SRM
SH/RR-ME:23.01.2017:3P/3C