

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 11.10.2017

Coram

THE HONOURABLE Mr. JUSTICE **K.K.SASIDHARAN**

AND

THE HONOURABLE Mr. JUSTICE **P.VELMURUGAN****A.S.No.168 of 2004 & C.M.P.No.5553 of 2004**

and

Cross Objection Nos.13, 20, 21, 22, 23, 24, 25 & 39 of 2005**Cross Objection No.90 of 2010****A.S.No.168 of 2004**

The Land Acquisition Officer and
Special Tahsildar,
(Land Acquisition),
Housing Scheme - III,
Coimbatore.

.. Appellant

Vs.

- 1 JOTHI KUMAR
- 2 D.BALASUNDARAM
- 3 E.RAMAKRISHNAN
- 4 RANGANAYAGIAMMAL (DECEASED)
- 5 N.KAMALAMMAL (DECEASED)
- 6 SAVITHIRI
- 7 RAJALAKSHMI
- 8 SANDHAMANI
- 9 SUBBURATHINAM
- 10 RAJAM POORANACHANDRAN
- 11 MEENAKSHI
- 12 R.ANDAL
- 13 SELVI KALPANA
- 14 N.VIJAYALAKSHMI
- 15 G.GURUSAMY (DECEASED)
- 16 G.RAMAKRISHNAN

17 G.SOUNDARARAJAN

(R16 & R17 BROUGHT ON RECORD AS LRS OF THE
DECEASED 15TH RESPONDENT VIDE ORDER
OF THE COURT DATED 28.11.2006 MADE IN
C.M.P.NO.10486 OF 2006 IN AS NO.168/2004)

18 G.BACKIAM

19 G.JEYAMANI

20 D.DURAIRAJ

21 D.BALA SUNDARAM

22 D.RAMACHANDRAN

23 D.INDIRA

24 K.SREEDHARAN NAYAR,
S/O.KRISHNAN NAYAR,
PRESIDENT, GANAPATHY NEIGHBOURHOOD SCHEME,
HOUSE OWNERS WELFARE ASSOCIATION,
HUDCO COLONY, PEELAMEDU POST,
VILAVANKURICHI ROAD,
COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
K.SREEDHARAN NAYAR IS RESIDING AT
54-B-2, VIJAYA BHAVAN,
V.K.ROAD, MURUGAN NAGAR,
HUDCO COLONY, PEELAMEDU,
COIMBATORE - 641 004.

25 SAROJINI

26 R.VENKATESAN

27 SANDHANMANI

28 HEMALATHA (DECEASED)

29 THE EXECUTIVE ENGINEER, A.T.O
TAMILNADU HOUSING BOARD AND COIMBATORE
HOUSING UNIT, TATA BADH, COIMBATORE,

30 SHANTHA DEVEI

31 V. JAGADEESAN

32 SUMITRA DEVI

33 R. HAMS VENI

34 V. BALASUNDARAM

(R30 TO R34 BROUGHT ON RECORD AS LRS OF THE
DECEASED 4TH RESPONDENT VIDE ORDER

OF THE COURT DATED 27.06.2005 MADE IN
C.M.P.NO.9646 OF 2005 IN AS NO.168/2004)

- 35 C. SIVASUBRAMANIAN
- 36 DR.A. CORNELIUS MANOHARAN
- 37 S. DURAISAMY
REP. BY POWER OF ATTORNEY MRS.I. JOAN
- 38 K.A. MARIMUTHU
- 39 MRS. SAHAYA NIRMALA RANI PETER
- 40 K. RAGHAVAN
- 41 KRISHNAMOORTHY
REP. BY POWER OF ATTORNEY MS. E. MEENA
- 42 K. SOMASKANDAN
- 43 K.P. SUNDARAM
REP. BY POWER OF ATTORNEY MS. SUDHA RAJAGOPAL
- 44 K. SETHURAMAN
- 45 S.G. VADIVELU
- 46 V. SUBRAMANIAN
- 47 K.M. NITHYANANTHAN
- 48 K. ETHIRAJAN
- 49 WING COMMANDER

(R35 TO R49 IMPEADED AS PARTY RESPONDENTS
VIDE ORDER OF THE COURT DATED 28.11.2006
MADE IN C.M.P.NOS.10512 TO 10526 OF 2006
IN AS NO.168/2004)

- 50 RAJUMOHAN
- 51 G. KASIRAMAN
- 52 D. NARAYANAMOORTHY
- 53 R. SUBRAMANIAN REP. BY POWER
OF ATTORNEY B. VASANTHAKUMARI, HIG B-16,
HUDCO COLONY GANAPATHY, BLOCK XI, MURUGAN NAGAR,
VK ROAD, PEELAMEDU, COIMBATORE.
- 54 V. VENKATARAMANI
- 55 M. RAJANGAM
- 56 SOBINIKUTTY, REP. BY POWER
OF ATTORNEY G. VIJAYARAGHAVAN,
HIG B-19 HUDCO COLONY, GANAPATHY BLOCK,
XI MURUGAN NAGAR, VK ROAD, PEELAMEDU,
COIMBATORE.

(R50 TO R56 IMPEADED AS PARTY RESPONDENTS
 VIDE ORDER OF THE COURT DATED 12.12.2007
 MADE IN C.M.P.NOS.456 TO 462 OF 2007
 IN AS NO.168/2004)

- 57 J. SAROJA
 58 R. LAKSHMINARAYANAN
 59 L. KRISHNAKUMAR
 60 MINOR. R.L. VIJAYASHANKARAN,
 REP. BY FATHER AND GUARDIAN,
 MR.R. LAKSHMINARAYANAN
 ALL ARE RESIDING AT
 D.NO. 16AB/11-1, ANNA NAGAR, PEELAMEDU,
 COIMBATORE 641 004.
 61 G. SRINIVASAN
 62 S. RANGANATHAN
 63 V. SARADA DEVI
 64 S. VENKATESWARAN

(RR 57, 58 TO 60 AND 61 TO 64
 BROUGHT ON RECORD AS LRS OF THE DECEASED R31
 R28 & R5 RESPECTIVELY VIDE ORDER OF COURT
 DT.27/03/2017 & 28/03/2017 MADE IN CMP NOS.1881 TO
 1883/2010, CMP NOS.287 TO 289/2014, CMP NOS.
 1322 TO 1324/2009 IN AS NO.168/2004)

- 65 B. AMIRTHAM
 66 B. SATHISH AALWAR
 67 B. MAHARAJ
 68 MANJU

(68th respondent represented by her Power Agent Smt.B.Amirtham)

WEB COPY

.. Respondents

Prayer in A.S.No.168 of 2004 : Appeal Suit filed under Section 54 of the
 Land Acquisition Act to set-aside the decree passed in L.A.O.P.No.129 of 1986,
 dated 30.04.2003 on the file of I Additional Subordinate Judge, Coimbatore.

* * *

Cross Objection No.13 of 2005

1.SAROJINI
2.R.VENKATESAN

.. Cross Objectors /
Respondents 25 & 26

Vs.

1.THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.

2 JOTHI KUMAR
3 D.BALASUNDARAM
4 E.RAMAKRISHNAN
5 RANGANAYAGIAMMAL (Deceased)
6 N.KAMALAMMAL (Deceased)
7 SAVITHIRI
8 RAJALAKSHMI
9 SANDHAMANI
10 SUBBURATHINAM
10 RAJAM POORANACHANDRAN
12 MEENAKSHI
13 R.ANDAL
14 SELVI KALPANA
15 N.VIJAYALAKSHMI
16 G.GURUSAMY (Deceased)

R17 & R18 already brought on record as LRs of the deceased R16 vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

17 G.RAMAKRISHNAN
18 G.SOUNDARARAJAN

19 G.BACKKIAM
20 G.JEYAMANI
21 D.DURAIRAJ
22 D.BALA SUNDARAM
23 D.RAMACHANDRAN

24 D.INDIRA
 25 K.SREEDHARAN NAYAR,
 S/O.KRISHNAN NAYAR,
 PRESIDENT,
 GANAPATHY NEIGHBOURHOOD SCHEME,
 HOUSE OWNERS WELFARE ASSOCIATION,
 HUDCO COLONY, PEELAMEDU POST,
 VILAVANKURICHI ROAD,
 COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
 K.SREEDHARAN NAYAR IS RESIDING AT
 54-B-2, VIJAYA BHAVAN,
 V.K.ROAD, MURUGAN NAGAR,
 HUDCO COLONY, PEELAMEDU,
 COIMBATORE - 641 004.

26. SANDHANMANI
 27. HEMALATHA (Deceased)
 28. THE EXECUTIVE ENGINEER, A.T.O
 TAMILNADU HOUSING BOARD AND COIMBATORE
 HOUSING UNIT, TATA BADH, COIMBATORE

R5 Ranganayagiammal (Deceased)

29 Shantha Devi
 30 V.Jagadeesan (Deceased)
 31 Sumithra Devi
 32 R.Hamsa Veni
 33 V.Balasundaram (Deceased)

R29 to R33 brought on record as LRS of the deceased 5th respondent viz.,
 Ranganayagiammal vide order of Court dated 11.10.2017 made in Cross
 Objection Nos.13, 20, to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in
 A.S.No.168 of 2004.

R6 N.Kamalammal (Deceased)

34 G.Srinivasan
 35 S.Ranganathan
 36 V.Sarada Devi
 37 S.Venkateswaran

R34 to 37 brought on record as LR's of the deceased 6th respondent viz., N.Kamalammal vide order dated 11.10.2017 made in Cross Obj.Nos.13, 20 to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R30 V.Jagadeesan (Deceased)

38 J.Saroja

R 38 brought on record as LR's of the deceased 31st respondent Vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 & Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R27 Hemalatha (Deceased)

39 R.Lakshminarayanan

40 L.Krishnakumar

41 Minor R.L.Vijayasahnkaran

Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 39 to 41 brought on record as LR's of the deceased 27th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R33 V.Balasundaram (Deceased)

42 B.Amirthan

43 B.Sathish Aalwar

44 B.Maharaj

45 Manju

(45th respondent rep. by her Power Agent Smt.Amirtham)

R42 to 45 brought on record as LRS of the deceased 34th respondent viz., V.Balasundaram vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

.. Respondents

* * *

Cross Objection No.20 of 2005

N.KAMALAMMAL (DECEASED)

- 1 G. SRINIVASAN
- 2 S. RANGANATHAN
- 3 V. SARADA DEVI
- 4 S. VENKATESWARAN

.. Cross Objectors /
Respondents 61 to 64

(Cross Objectors 1 to 4 brought on record as
LRs of the deceased Cross Objector / 5th respondent
vide order of the Court dated 28.03.2017
made in C.M.P.Nos.1123 to 1125 of 2009 in
Cross Objection No.20 of 2005 in
A.S.No.168 of 2004)

Vs.

1.THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.

- 2 JOTHI KUMAR
- 3 D.BALASUNDARAM
- 4 E.RAMAKRISHNAN
- 5 RANGANAYAGIAMMAL (Deceased)
- 6 SAVITHIRI
- 7 RAJALAKSHMI
- 8 SANDHAMANI
- 9 SUBBURATHINAM
- 10 RAJAM POORANACHANDRAN
- 11 MEENAKSHI
- 12 R.ANDAL
- 13 SELVI KALPANA
- 14 N.VIJAYALAKSHMI
- 15 G.GURUSAMY (Deceased)

R16 & R17 already brought on record as LR's of the deceased R15 vide order of
Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and
Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

- 16 G.RAMAKRISHNAN
- 17 G.SOUNDARARAJAN
- 18 G.BACKKIAM
- 19 G.JEYAMANI
- 20 D.DURAIRAJ
- 21 D.BALA SUNDARAM
- 22 D.RAMACHANDRAN
- 23 D.INDIRA
- 24 K.SREEDHARAN NAYAR,
S/O.KRISHNAN NAYAR,
PRESIDENT,
GANAPATHY NEIGHBOURHOOD SCHEME,
HOUSE OWNERS WELFARE ASSOCIATION,
HUDCO COLONY, PEELAMEDU POST,
VILAVANKURICHI ROAD,
COIMBATORE 641 004,
REP.BY ITS PRESIDENT,
K.SREEDHARAN NAYAR IS RESIDING AT
54-B-2, VIJAYA BHAVAN,
V.K.ROAD, MURUGAN NAGAR,
HUDCO COLONY, PEELAMEDU,
COIMBATORE - 641 004.
25. SAROJINI
26. R.VENKATESAN
27. SANTHAMANI
28. HEMALATHA (Deceased)
29. THE EXECUTIVE ENGINEER, A.T.O
TAMILNADU HOUSING BOARD AND COIMBATORE
HOUSING UNIT, TATA BADH, COIMBATORE

R5 Ranganayagiammal (Deceased)

- 30 Shantha Devi
- 31 V.Jagadeesan (Deceased)
- 32 Sumithra Devi
- 33 R.Hamsa Veni
- 34 V.Balasundaram (Deceased)

R30 to R34 brought on record as LRS of the deceased 5th respondent viz., Ranganayagiammal vide order of Court dated 11.10.2017 made in Cross Objection Nos.13, 20, to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R31 V.Jagadeesan (Deceased)

35 J.Saroja

R 35 brought on record as LR of the deceased 31st respondent Vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 & Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R28 Hemalatha (Deceased)

36 R.Lakshminarayanan

37 L.Krishnakumar

38 Minor R.L.Vijayasahnkaran

Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 36 to 38 brought on record as LR of the deceased 28th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R34 V.Balasundaram (Deceased)

39 B.Amirthan

40 B.Sathish Aalwar

41 B.Maharaj

42 Manju

(42nd respondent rep. by her Power Agent Smt.Amirtham)

R39 to 42 brought on record as LRS of the deceased 34th respondent viz., V.Balasundaram vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

.. Respondents

* * *

Cross Objection No.21 of 2005

E.RAMAKRISHNAN

.. Cross Objector /
3rd Respondent

Vs.

1.THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.

- 2 JOTHI KUMAR
- 3 D.BALASUNDARAM
- 4 RANGANAYAGIAMMAL (Deceased)
- 5 N.KAMALAMMAL (Deceased)
- 6 SAVITHIRI
- 7 RAJALAKSHMI
- 8 SANDHAMANI
- 9 SUBBURATHINAM
- 10 RAJAM POORANACHANDRAN
- 11 MEENAKSHI
- 12 R.ANDAL
- 13 SELVI KALPANA
- 14 N.VIJAYALAKSHMI
- 15 G.GURUSAMY (Deceased)

R16 & R17 already brought on record as LR's of the deceased R15 vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

- 16 G.RAMAKRISHNAN
- 17 G.SOUNDARARAJAN

- 18 G.BACKKIAM
- 19 G.JEYAMANI
- 20 D.DURAIRAJ
- 21 D.BALA SUNDARAM
- 22 D.RAMACHANDRAN
- 23 D.INDIRA
- 24 K.SREEDHARAN NAYAR,
S/O.KRISHNAN NAYAR,

WEB COPY

PRESIDENT,
GANAPATHY NEIGHBOURHOOD SCHEME,
HOUSE OWNERS WELFARE ASSOCIATION,
HUDCO COLONY, PEELAMEDU POST,
VILAVANKURICHI ROAD,
COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
K.SREEDHARAN NAYAR IS RESIDING AT
54-B-2, VIJAYA BHAVAN,
V.K.ROAD, MURUGAN NAGAR,
HUDCO COLONY, PEELAMEDU,
COIMBATORE - 641 004.

- 25. SAROJINI
- 26. R.VENKATESAN
- 27. SANTHAMANI
- 28. HEMALATHA (Deceased)
- 29. THE EXECUTIVE ENGINEER, A.T.O
TAMILNADU HOUSING BOARD AND COIMBATORE
HOUSING UNIT, TATA BADH, COIMBATORE

R4 Ranganayagiammal (Deceased)

- 30 Shantha Devi
- 31 V.Jagadeesan (Deceased)
- 32 Sumithra Devi
- 33 R.Hamsa Veni
- 34 V.Balasundaram (Deceased)

R30 to R34 brought on record as LRS of the deceased 4th respondent viz., Ranganayagiammal vide order of Court dated 11.10.2017 made in Cross Objection Nos.13, 20, to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R5 N.Kamalammal (Deceased)

- 35 G.Srinivasan
- 36 S.Ranganathan
- 37 V.Sarada Devi
- 38 S.Venkateswaran

R35 to 38 brought on record as LRs of the deceased 5th respondent viz., N.Kamalammal vide order dated 11.10.2017 made in Cross Obj.Nos.13, 20 to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R31 V.Jagadeesan (Deceased)

39 J.Saroja

R 39 brought on record as LRs of the deceased 31st respondent Vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 & Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R28 Hemalatha (Deceased)

40 R.Lakshminarayanan

41 L.Krishnakumar

42 Minor R.L.Vijayasahnkaran

Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 40 to 42 brought on record as LRs of the deceased 28th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R34 V.Balasundaram (Deceased)

43 B.Amirthan

44 B.Sathish Aalwar

45 B.Maharaj

46 Manju

(46th respondent rep. by her Power Agent Smt.Amirtham)

R43 to 46 brought on record as LRS of the deceased 34th respondent viz., V.Balasundaram vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

.. Respondents

* * *

Cross Objection No.22 of 2005

G.GURUSAMY
(Deceased)

.. Cross Objector /
15th respondent

R16 viz., 16 G.RAMAKRISHNAN & R17 viz., G.SOUNDARARAJAN transposed as Cross Objectors 2 and 3 vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

Vs.

1.THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.

- 2 JOTHI KUMAR
- 3 D.BALASUNDARAM
- 4 E.RAMAKRISHNAN
- 5 RANGANAYAGIAMMAL (Deceased)
- 6 N.KAMALAMMAL (Deceased)
- 7 SAVITHIRI
- 8 RAJALAKSHMI
- 9 SANDHAMANI
- 10 SUBBURATHINAM
- 11 RAJAM POORANACHANDRAN
- 12 MEENAKSHI
- 13 R.ANDAL
- 14 SELVI KALPANA
- 15 N.VIJAYALAKSHMI
- 16 G.RAMAKRISHNAN (TRANPOSED AS CROSS OBJECTOR NO.2)
- 17 G.SOUNDARARAJAN (TRANPOSED AS CROSS OBJECTOR NO.3)

vide order dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

- 18 G.BACKKIAM
- 19 G.JEYAMANI

- 20 D.DURAIRAJ
 21 D.BALA SUNDARAM
 22 D.RAMACHANDRAN
 23 D.INDIRA
 24 K.SREEDHARAN NAYAR,
 S/O.KRISHNAN NAYAR,
 PRESIDENT,
 GANAPATHY NEIGHBOURHOOD SCHEME,
 HOUSE OWNERS WELFARE ASSOCIATION,
 HUDCO COLONY, PEELAMEDU POST,
 VILAVANKURICHI ROAD,
 COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
 K.SREEDHARAN NAYAR IS RESIDING AT
 54-B-2, VIJAYA BHAVAN,
 V.K.ROAD, MURUGAN NAGAR,
 HUDCO COLONY, PEELAMEDU,
 COIMBATORE - 641 004.

25. SROJINI
 26. R.VENKATESAN
 27. SANDHANMANI
 28. HEMALATHA (Deceased)
 29. THE EXECUTIVE ENGINEER, A.T.O
 TAMILNADU HOUSING BOARD AND COIMBATORE
 HOUSING UNIT, TATA BADH, COIMBATORE

R5 Ranganayagiammal (Deceased)

- 30 Shantha Devi
 31 V.Jagadeesan (Deceased)
 32 Sumithra Devi
 33 R.Hamsa Veni
 34 V.Balasundaram (Deceased)

R30 to R34 brought on record as LRS of the deceased 5th respondent viz., Ranganayagiammal vide order of Court dated 11.10.2017 made in Cross Objection Nos.13, 20, to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R6 N.Kamalammal (Deceased)

35 G.Srinivasan
36 S.Ranganathan
37 V.Sarada Devi
38 S.Venkateswaran

R35 to 38 brought on record as LR's of the deceased 6th respondent viz., N.Kamalammal vide order dated 11.10.2017 made in Cross Obj.Nos.13, 20 to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R31 V.Jagadeesan (Deceased)

39 J.Saroja

R 39 brought on record as LR's of the deceased 31st respondent Vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 & Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R28 Hemalatha (Deceased)

40 R.Lakshminarayanan
41 L.Krishnakumar
42 Minor R.L.Vijayasahnkaran
Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 40 to 42 brought on record as LR's of the deceased 28th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R34 V.Balasundaram (Deceased)

43 B.Amirthan
44 B.Sathish Aalwar
45 B.Maharaj
46 Manju

(46th respondent rep. by her Power Agent Smt.Amirtham)

R43 to 46 brought on record as LRS of the deceased 34th respondent viz., V.Balasundaram vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

.. Respondents

* * *

Cross Objection No.23 of 2005

1. G.GURUSAMY .. Cross Objector /
(Deceased) 15th Respondent

2 G.RAMAKRISHNAN
3 G.SOUNDARARAJAN

Cross Objectors 2 & 3 already on record as LRS of the deceased 1st Cross Objector vide order dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

4. G.JEYAMANI .. Cross Objector /
19th Respondent

Vs.

1.THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.

2 JOTHI KUMAR
3 D.BALASUNDARAM
4 E.RAMAKRISHNAN
5 RANGANAYAGIAMMAL (Deceased)
6 N.KAMALAMMAL (Deceased)
7 SAVITHIRI
8 RAJALAKSHMI
9 SANDHAMANI

- 10 SUBBURATHINAM
- 11 RAJAM POORANACHANDRAN
- 12 MEENAKSHI
- 13 R.ANDAL
- 14 SELVI KALPANA
- 15 N.VIJAYALAKSHMI
- 16 G.BACKKIAM
- 17 D.DURAIRAJ
- 18 D.BALA SUNDARAM
- 19 D.RAMACHANDRAN
- 20 D.INDIRA
- 21 K.SREEDHARAN NAYAR,

S/O.KRISHNAN NAYAR,
PRESIDENT,
GANAPATHY NEIGHBOURHOOD SCHEME,
HOUSE OWNERS WELFARE ASSOCIATION,
HUDCO COLONY, PEELAMEDU POST,
VILAVANKURICHI ROAD,
COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
K.SREEDHARAN NAYAR IS RESIDING AT
54-B-2, VIJAYA BHAVAN,
V.K.ROAD, MURUGAN NAGAR,
HUDCO COLONY, PEELAMEDU,
COIMBATORE - 641 004.

22. SROJINI
23. R.VENKATESAN
24. SANDHANMANI
25. HEMALATHA (Deceased)
26. THE EXECUTIVE ENGINEER, A.T.O.
TAMILNADU HOUSING BOARD AND COIMBATORE
HOUSING UNIT, TATA BADH, COIMBATORE

R5 Ranganayagiammal (Deceased)

- 27 Shantha Devi
- 28 V.Jagadeesan (Deceased)
- 29 Sumithra Devi
- 30 R.Hamsa Veni
- 31 V.Balasundaram (Deceased)

R27 to R31 brought on record as LRS of the deceased 5th respondent viz., Ranganayagiammal vide order of Court dated 11.10.2017 made in Cross Objection Nos.13, 20, to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R6 N.Kamalammal (Deceased)

32 G.Srinivasan
33 S.Ranganathan
34 V.Sarada Devi
35 S.Venkateswaran

R32 to 35 brought on record as LRs of the deceased 6th respondent viz., N.Kamalammal vide order dated 11.10.2017 made in Cross Obj.Nos.13, 20 to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R28 V.Jagadeesan (Deceased)

36 J.Saroja

R 36 brought on record as LRs of the deceased 28th respondent Vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 & Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R25 Hemalatha (Deceased)

37 R.Lakshminarayanan
38 L.Krishnakumar
39 Minor R.L.Vijayasahnkaran
Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 37 to 39 brought on record as LRs of the deceased 25th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R31 V.Balasundaram (Deceased)

40 B.Amirthan
41 B.Sathish Aalwar
42 B.Maharaj

43 Manju

(43rd respondent rep. by her Power Agent Smt.Amirtham)

R40 to 43 brought on record as LRS of the deceased 31st respondent viz., V.Balasundaram vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

.. Respondents

* * *

Cross Objection No.24 of 2005

D.BALASUNDARAM

.. Cross Objector /
2nd Respondent

Vs.

1.THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.

- 2 JOTHI KUMAR
- 3 E.RAMAKRISHNAN
- 4 RANGANAYAGIAMMAL (Deceased)
- 5 N.KAMALAMMAL (Deceased)
- 6 SAVITHIRI
- 7 RAJALAKSHMI
- 8 SANDHAMANI
- 9 SUBBURATHINAM
- 10 RAJAM POORANACHANDRAN
- 11 MEENAKSHI
- 12 R.ANDAL
- 13 SELVI KALPANA
- 14 N.VIJAYALAKSHMI
- 15 G.GURUSAMY (Deceased)

R16 & R17 already brought on record as LR's of the deceased R15 vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004

- 16 G.RAMAKRISHNAN
- 17 G.SOUNDARARAJAN

- 18 G.BACKKIAM
- 19 G.JEYAMANI
- 20 D.DURAIRAJ
- 21 D.RAMACHANDRAN
- 22 D.INDIRA
- 23 K.SREEDHARAN NAYAR,
S/O.KRISHNAN NAYAR,
PRESIDENT,
GANAPATHY NEIGHBOURHOOD SCHEME,
HOUSE OWNERS WELFARE ASSOCIATION,
HUDCO COLONY, PEELAMEDU POST,
VILAVANKURICHI ROAD,
COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
K.SREEDHARAN NAYAR IS RESIDING AT
54-B-2, VIJAYA BHAVAN,
V.K.ROAD, MURUGAN NAGAR,
HUDCO COLONY, PEELAMEDU,
COIMBATORE - 641 004.

24. SAROJINI
25. R.VENKATESAN
26. SANTHAMANI
27. HEMALATHA (Deceased)
28. THE EXECUTIVE ENGINEER, A.T.O
TAMILNADU HOUSING BOARD AND COIMBATORE
HOUSING UNIT, TATA BADH, COIMBATORE.

R4 Ranganayagiammal (Deceased)

- 29 Shantha Devi
- 30 V.Jagadeesan (Deceased)
- 31 Sumithra Devi
- 32 R.Hamsa Veni
- 33 V.Balasundaram (Deceased)

R29 to R33 brought on record as LRS of the deceased 4th respondent viz., Ranganayagiammal vide order of Court dated 11.10.2017 made in Cross Objection Nos.13, 20, to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R5 N.Kamalammal (Deceased)

34 G.Srinivasan
35 S.Ranganathan
36 V.Sarada Devi
37 S.Venkateswaran

R34 to 37 brought on record as LR's of the deceased 5th respondent viz., N.Kamalammal vide order dated 11.10.2017 made in Cross Obj.Nos.13, 20 to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R30 V.Jagadeesan (Deceased)

38 J.Saroja

R 38 brought on record as LR's of the deceased 30th respondent Vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 & Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R27 Hemalatha (Deceased)

39 R.Lakshminarayanan
40 L.Krishnakumar
41 Minor R.L.Vijayasahnkaran
Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 39 to 41 brought on record as LR's of the deceased 27th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R33 V.Balasundaram (Deceased)

42 B.Amirthan
43 B.Sathish Aalwar
44 B.Maharaj
45 Manju
(45th respondent rep. by her Power Agent Smt.Amirtham)

R42 to 45 brought on record as LRS of the deceased 33rd respondent viz., V.Balasundaram vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

.. Respondents

* * *

Cross Objection No.25 of 2005

JOTHI KUMAR

.. Cross Objector /
1st Respondent

Vs.

1.THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.

- 2 D.BALASUNDARAM
- 3 E.RAMAKRISHNAN
- 4 RANGANAYAGIAMMAL (Deceased)
- 5 N.KAMALAMMAL (Deceased)
- 6 SAVITHIRI
- 7 RAJALAKSHMI
- 8 SANDHAMANI
- 9 SUBBURATHINAM
- 10 RAJAM POORANACHANDRAN
- 11 MEENAKSHI
- 12 R.ANDAL
- 13 SELVI KALPANA
- 14 N.VIJAYALAKSHMI
- 15 G.GURUSAMY (Deceased)

R16 & R17 already brought on record as LR's of the deceased R15 vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

- 16 G.RAMAKRISHNAN

- 17 G.SOUNDARARAJAN
- 18 G.BACKKIAM
- 19 G.JEYAMANI
- 20 D.DURAIRAJ
- 21 D.BALASUNDARAM
- 22 D.RAMACHANDRAN
- 23 D.INDIRA
- 24 K.SREEDHARAN NAYAR,
S/O.KRISHNAN NAYAR,
PRESIDENT,
GANAPATHY NEIGHBOURHOOD SCHEME,
HOUSE OWNERS WELFARE ASSOCIATION,
HUDCO COLONY, PEELAMEDU POST,
VILAVANKURICHI ROAD,
COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
K.SREEDHARAN NAYAR IS RESIDING AT
54-B-2, VIJAYA BHAVAN,
V.K.ROAD, MURUGAN NAGAR,
HUDCO COLONY, PEELAMEDU,
COIMBATORE - 641 004.

25. SAROJINI
26. R.VENKATESAN
27. SANTHAMANI
28. HEMALATHA (Deceased)
29. THE EXECUTIVE ENGINEER, A.T.O
TAMILNADU HOUSING BOARD AND COIMBATORE
HOUSING UNIT, TATA BADH, COIMBATORE.

R4 Ranganayagiammal (Deceased)

- 30 Shantha Devi
- 31 V.Jagadeesan (Deceased)
- 32 Sumithra Devi
- 33 R.Hamsa Veni
- 34 V.Balasundaram (Deceased)

R30 to R34 brought on record as LRS of the deceased 4th respondent viz., Ranganayagiammal vide order of Court dated 11.10.2017 made in Cross Objection Nos.13, 20, to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R5 N.Kamalammal (Deceased)

35 G.Srinivasan
36 S.Ranganathan
37 V.Sarada Devi
38 S.Venkateswaran

R35 to 38 brought on record as LR's of the deceased 5th respondent viz., N.Kamalammal vide order dated 11.10.2017 made in Cross Obj.Nos.13, 20 to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R31 V.Jagadeesan (Deceased)

39 J.Saroja

R 39 brought on record as LR's of the deceased 3rd respondent Vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 & Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R28 Hemalatha (Deceased)

40 R.Lakshminarayanan
41 L.Krishnakumar
42 Minor R.L.Vijayasahnkaran
Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 40 to 42 brought on record as LR's of the deceased 28th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R34 V.Balasundaram (Deceased)

43 B.Amirthan
44 B.Sathish Aalwar
45 B.Maharaj
46 Manju

(46th respondent rep. by her Power Agent Smt.Amirtham)

R43 to 46 brought on record as LRS of the deceased 34th respondent viz., V.Balasundaram vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

.. Respondents

* * *

Cross Objection No.39 of 2005

RANGANAYAGIAMMAL (SINCE DECEASED)
REP. BY HER LEGAL-HEIRS

1. SANTHA DEVI
2. DR.SUMITRA DVI
3. HAMSA VENI
4. V.JEGADEESAN (Deceased)
5. V.BALSUNDARAM (Deceased)
6. B.Amirthan
7. B.Sathish Aalwar
8. B.Maharaj
9. Manju
- 9th Cross Objector rep. by her Power Agent Smt.Amirtham)
10. J.Saroja

.. Cross Objectors

Cross Objectors 6 to 9 and 10 brought on record as LRS of the deceased Cross Objectors 5 and 4 respectively viz., V.Balasundaram and V.Jagadeesan vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

Vs.

- 1.THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.
- 2 JOTHI KUMAR
- 3 D.BALASUNDARAM

- 4 E.RAMAKRISHNAN
- 5 N. KAMALAMMAL (Deceased)
- 6 SAVITHIRI
- 7 RAJALAKSHMI
- 8 SANDHAMANI
- 9 SUBBURATHINAM
- 10 RAJAM POORANACHANDRAN
- 11 MEENAKSHI
- 12 R.ANDAL
- 13 SELVI KALPANA
- 14 N.VIJAYALAKSHMI
- 15 G.GURUSAMY (Deceased)

R16 & R17 already brought on record as LR's of the deceased R15 vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

- 16 G.RAMAKRISHNAN
- 17 G.SOUNDARARAJAN

- 18 G.BACKKIAM
- 19 G.JEYAMANI
- 20 D.DURAIRAJ
- 21 D.BALASUNDARAM
- 22 D.RAMACHANDRAN
- 23 D.INDIRA
- 24 K.SREEDHARAN NAYAR,
S/O.KRISHNAN NAYAR,
PRESIDENT,
GANAPATHY NEIGHBOURHOOD SCHEME,
HOUSE OWNERS WELFARE ASSOCIATION,
HUDCO COLONY, PEELAMEDU POST,
VILAVANKURICHI ROAD,
COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
K.SREEDHARAN NAYAR IS RESIDING AT
54-B-2, VIJAYA BHAVAN,
V.K.ROAD, MURUGAN NAGAR,
HUDCO COLONY, PEELAMEDU,
COIMBATORE - 641 004.

- 25. SAROJINI
- 26. R.VENKATESAN
- 27. SANTHAMANI
- 28. HEMALATHA (Deceased)
- 29. THE EXECUTIVE ENGINEER, A.T.O
TAMILNADU HOUSING BOARD AND COIMBATORE
HOUSING UNIT, TATA BADH, COIMBATORE.

R5 N.Kamalammal (Deceased)

- 30 G.Srinivasan
- 31 S.Ranganathan
- 32 V.Sarada Devi
- 33 S.Venkateswaran

R30 to 33 brought on record as LR's of the deceased 5th respondent viz., N.Kamalammal vide order dated 11.10.2017 made in Cross Obj.Nos.13, 20 to 25 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R28 Hemalatha (Deceased)

- 34 R.Lakshminarayanan
- 35 L.Krishnakumar
- 36 Minor R.L.Vijayasahnkaran
Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 34 to 36 brought on record as LR's of the deceased 28th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

* * *

Cross Objection No.90 of 2010

G.BAKKIYAM

.. Cross Objector /
18th Respondent

Vs.

1. THE LAND ACQUISITION OFFICER &
SPECIAL TAHSILDAR,
(LAND ACQUISITION),
HOUSING SCHEME - III,
COIMBATORE.

- 2 JOTHI KUMAR
- 3 D.BALASUNDARAM
DURASAMY NAIDU (DECEASED)
- 4 RAMAKRISHNAN
- 5 RANGANAYAGIAMMAL (DECEASED)
- 6 N.KAMALAMMAL (Deceased)
CHANDRAGANDHIAMMAL (DECEASED)
- 7 SAVITHIRI
- 8 RAJALAKSHMI
- 9 SANDHAMANI
- 10 SUBBURATHINAM
- 11 RAJAM POORANACHANDRAN
- 12 MEENAKSHI
- 13 R.ANDAL
- 14 SELVI KALPANA
- 15 N.VIJAYALAKSHMI
- 16 G.GURUSAMY
LINGAMMAL (DECEASED)

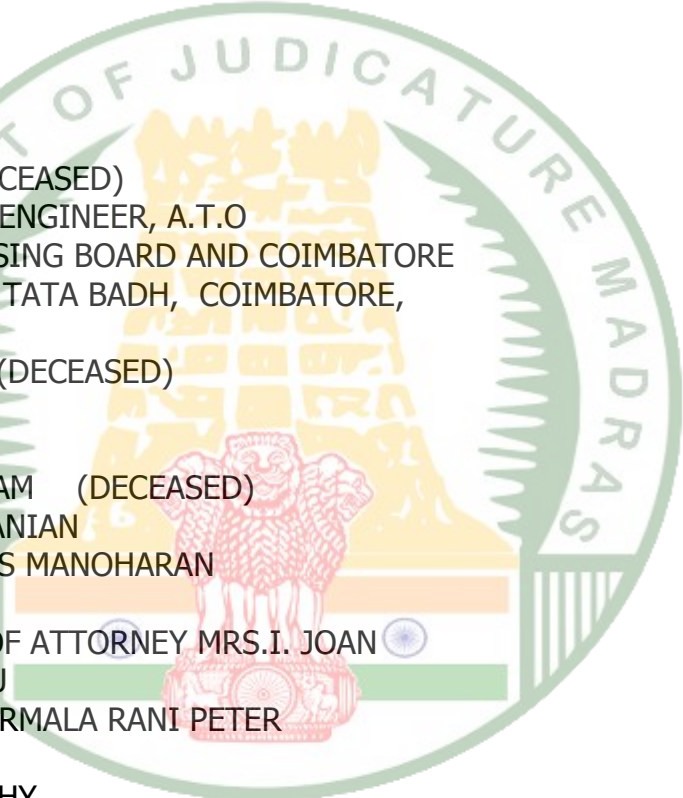
R17 & R18 already brought on record as LR's of the deceased R16 vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

- 17 G.RAMAKRISHNAN
- 18 G.SOUNDARARAJAN

- 19 G.JEYAMANI
- 20 D.DURAIRAJ
- 21 D.BALA SUNDARAM
- 22 D.RAMACHANDRAN
- 23 D.INDIRA
- 24 K.SREEDHARAN NAYAR,
S/O.KRISHNAN NAYAR,
PRESIDENT, GANAPATHY NEIGHBOURHOOD SCHEME,
HOUSE OWNERS WELFARE ASSOCIATION,
HUDCO COLONY, PEELAMEDU POST,

VILAVANKURICHI ROAD,
COIMBATORE 641 004,

REP.BY ITS PRESIDENT,
K.SREEDHARAN NAYAR IS RESIDING AT
54-B-2, VIJAYA BHAVAN,
V.K.ROAD, MURUGAN NAGAR,
HUDCO COLONY, PEELAMEDU,
COIMBATORE - 641 004.

- 
- 25 SAROJINI
26 R.VENKATESAN
27 SANDHANMANI
28 HEMALATHA (DECEASED)
29 THE EXECUTIVE ENGINEER, A.T.O
TAMILNADU HOUSING BOARD AND COIMBATORE
HOUSING UNIT, TATA BADH, COIMBATORE,
30 SHANTHA DEVEI
31 V. JAGADEESAN (DECEASED)
32 SUMITRA DEVI
33 R. HAMSA VENI
34 V. BALASUNDARAM (DECEASED)
35 C. SIVASUBRAMANIAN
36 DR.A. CORNELIUS MANOHARAN
37 S. DURAISAMY
REP. BY POWER OF ATTORNEY MRS.I. JOAN
38 K.A. MARIMUTHU
39 MRS. SAHAYA NIRMALA RANI PETER
40 K. RAGHAVAN
41 KRISHNAMOORTHY
REP. BY POWER OF ATTORNEY MS. E. MEENA
42 K. SOMASKANDAN
43 K.P. SUNDARAM
REP. BY POWER OF ATTORNEY MS. SUDHA RAJAGOPAL
44 K. SETHURAMAN
45 S.G. VADIVELU
46 V. SUBRAMANIAN
47 K.M. NITHYANANTHAN
48 K. ETHIRAJAN
49 WING COMMANDER

(R35 TO R49 IMPEADED AS PARTY RESPONDENTS
 VIDE ORDER OF THE COURT DATED 28.11.2006
 MADE IN C.M.P.NOS.10512 TO 10526 OF 2006
 IN AS NO.168/2004)

- 50 RAJUMOHAN
- 51 G. KASIRAMAN
- 52 D. NARAYANAMOORTHY
- 53 R. SUBRAMANIAN REP. BY POWER
 OF ATTORNEY B. VASANTHAKUMARI, HIG B-16,
 HUDCO COLONY GANAPATHY, BLOCK XI, MURUGAN NAGAR,
 VK ROAD, PEELAMEDU, COIMBATORE.
- 54 V. VENKATARAMANI
- 55 M. RAJANGAM
- 56 SOBINIKUTTY, REP. BY POWER
 OF ATTORNEY G. VIJAYARAGHAVAN,
 HIG B-19 HUDCO COLONY, GANAPATHY BLOCK,
 XI MURUGAN NAGAR, VK ROAD, PEELAMEDU,
 COIMBATORE.

(R50 TO R56 IMPEADED AS PARTY RESPONDENTS
 VIDE ORDER OF THE COURT DATED 12.12.2007
 MADE IN C.M.P.NOS.456 TO 462 OF 2007
 IN AS NO.168/2004)

R6 N.Kamalammal (Deceased)

- 57 G.Srinivasan
- 58 S.Ranganathan
- 59 V.Sarada Devi
- 60 S.Venkateswaran

R57 to 60 brought on record as LRs of the deceased 6th respondent viz.,
 N.Kamalammal vide order dated 11.10.2017 made in Cross Obj.Nos.13, 20 to 25
 & 39 of 2005 & Cross Obj.No.90 of 2010 in A.S.No.168 of 2004.

R31 V.Jagadeesan (Deceased)

61 J.Saroja

R 61 brought on record as LR of the deceased 31st respondent Vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 & Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R28 Hemalatha (Deceased)

62 R.Lakshminarayanan

63 L.Krishnakumar

64 Minor R.L.Vijayasahnkaran

Rep. by Father and Guardian Mr.R.Lakshminarayanan

R 62 to 64 brought on record as LR of the deceased 28th respondent viz., Hemalatha vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

R34 V.Balasundaram (Deceased)

65 B.Amirthan

66 B.Sathish Aalwar

67 B.Maharaj

68 Manju

(68th respondent rep. by her Power Agent Smt.Amirtham)

R65 to 68 brought on record as LRS of the deceased 34th respondent viz., V.Balasundaram vide order of Court dated 11.10.2017 made in Cross Objn.Nos.13, 20 to 25 & 39 of 2005 and Cross Objn.No.90 of 2010 in A.S.No.168 of 2004.

सत्यमेव जयते

.. Respondents

* * *

Prayer in Cross Objection Nos.13, 20, 21, 22, 23, 24, 25 & 39 of 2005 and Cross Objection No.90 of 2010: Cross Objections filed to set-aside the Judgment and Decree passed in L.A.O.P.No.129 of 1986, dated 30.04.2003 on the file of I Additional Subordinate Judge, Coimbatore insofar as it dis-allowed the compensation as claimed by the Cross Objector and to fix the compensation at the rate of Rs.6,000/- per cent.

For Appellant in A.S.No.168 of 2004 &
1st respondent in Cros.Obj.Nos.13,
20, 21, 22, 23, 24, 25 & 39 of 2005 &
Cross Objection No.90 of 2010

: Mr.P.Gunasekaran
Additional Government Pleader

For Respondents 1 to 5, 21, 30 to 34,
57, 61 to 64 in A.S.No.168 of 2004 &
and Cross Objectors in
Cross Obj.Nos.20, 21, 24, 25 &
39 of 2005

: Mr.G.Ashokapathi
For M/s.Pass Associates &
D.Saravanan

For Respondent 8, 22, 23, 25 to 28,
58 to 60 in A.S.No.168 of 2004 &
Cross Objectors in
Cros.Obj.No.13 of 2005

: M/s.P.T.Asha
For Sarvabhauman Associates

For 18th respondent in
A.S.No.168 of 2004 &
Cross Objector in
Cros.Obj.No.90 of 2010

: Mr.Su.Srinivasan

For 16, 17, 19th respondent in
A.S.No.168 of 2004 &
Cross Objectors in
Cros.Obj.Nos.22 & 23 of 2005

: Mr.B.Ramamoorthy

For 29th respondent in
A.S.No.168 of 2004

: Mr.V.Anandhamoorthy

For 24th respondent in
A.S.No.168 of 2004

: Mr.B.Divakaran

For 35 to 56th respondents in
A.S.No.168 of 2004

: Mr.K.K.Muralidharan

* * *

COMMON JUDGMENT

[Judgment of the Court was made by P.VELMURUGAN, J.]

This Appeal in A.S.No.168 of 2004 and Cross Objections in Cros.Obj.Nos.13, 20, 21, 22, 23, 24, 25 & 39 of 2005 and 90 of 2010 are arising out of the award passed in L.A.O.P.No.129 of 1986, on the file of I Additional Subordinate Judge, Coimbatore, dated 30.04.2003.

2. The issue involved in the appeal and Cross Objections is one and the same and therefore, the appeal as well as the cross objections are disposed of by this common judgment.

3. By a Notification under Section 4 of the Land Acquisition Act, 1894, (hereinafter referred to as '*the said Act*'), dated 23.03.1983, an area of 37.85 acres was acquired from Survey Nos.303/1, 303/2, 303/3, 304, 305/1, 305/2, 307/1, 307/2, 310/1, 310/2 for the purpose of forming a Housing Colony by the Tamil Nadu Housing Board. By an Award dated 22.02.1986 in Award No.1 of 1986, under Section 11 of the said Act, the compensation was fixed at the rate of Rs.80/- per cent for the land acquired. Being dissatisfied by the compensation awarded, the respondents had made a representation to the appellant. The Land Acquisition Officer pursuant to the request made by the respondents referred the

matter to the Land Acquisition Tribunal under Section 18 of the said Act, wherein the respondents have filed claim petitions claiming enhancement of compensation. The Reference Court, after considering the oral evidence and documents Exs.C-7 and C-8, viz., a copy of the sale deed in Survey No.308, dated 21.05.2002 and a copy of sale deed given by Velumani to Rukmani, dated 21.05.2002, held that though as per the sale deeds, the market value would come to Rs.17,790/- and after deducting 40% towards Development Charges, which would come to Rs.10,674/- and after deducting half of the amount and to give some relief to the allottees based on the representation made by the Housing Board to fix the nominal value of the housing plots, fixed the value of the acquired land at Rs.5,000/- per cent.

4. Being aggrieved by the said Award dated 30.04.2003 the Appellant / The Land Acquisition Officer and Special Tahsildar, (Land Acquisition), Housing Scheme - III, Coimbatore has preferred the present appeal in A.S.No.168 of 2004. Being dissatisfied with the award some of the respondents/claimants have filed Cross-Objections in Cros.Obj.Nos.13, 20, 21, 22, 23, 24, 25 & 39 of 2005 and 90 of 2010 seeking further enhancement.

5. The learned Additional Government Pleader appearing for the appellant in the appeal / first respondent in all cross objections would submit that the

Reference Court has erred in enhancing the compensation from Rs.80/- per cent to Rs.5,000/- per cent exorbitantly without basing on any relevant document. He would further submit that the Reference Court has erred in treating the acquired lands as house sites when they are only cultivable lands on the date of acquisition. He would further submit that the Reference Court ought to have seen that the Land Acquisition Officer has collected the various sale deeds and relied on the relevant sale deed for fixing the compensation. The Reference Court ought to have seen that the claimants failed to discharge their burden of proof in not filing the correct documents to show actual market value. He would further submit that the Reference Court without any valid reason has not considered Ex.R5 and the same is similarly situated with that of the acquired lands. He would further submit that since there was no other documents to show the actual market rate, the Reference Court ought to have confirmed the award passed by the Land Acquisition Officer. The document which is marked as Ex.C1 is just prior to the date of 4(1) notification is fetching only value of Rs.3,000/- per cent whereas the Reference Court has fixed Rs.10,200/- per cent without assigning any proper reason for its finding and has come to the conclusion merely on surmises and conjectures. He would further submit that the Reference Court ought to have deducted minimum 65% for developmental charges as well as the considered documents by the Reference Court is only smaller extent of land, but on the contrary, the Reference Court has deducted

only 40% from the value of the documents filed on behalf of the claimants which are much later to the date of 4(1) notification. Hence, the learned Additional Government Pleader prays for allowing the appeal suit.

6. The learned counsel appearing for all the respondents / cross objectors would submit that the Reference Court having taken note of the potential possibility in increasing the value; its locational advantages such as existing housing colonies; surrounding the acquired lands; approach by Road and Railway; Railway Station, the availability of other amenities and advantages such as colleges, industrial establishments etc., has no jurisdiction to reduce the market value of the land from Rs.10,674/- per cent to Rs.5,000/- per cent merely on the ground of hardship to the allottees of the Tamil Nadu Housing Board. The learned counsel would further submit that the Reference Court ought to have awarded costs in favour of the claimants as their land have been acquired by exercising the power of "Eminent Domain" pursuant to the notification under Section 4(1) of the Land Acquisition Act, dated 23.03.1983 and the claimant had to litigate for determination of compensation payable for the lands acquired for over 20 years, suffered not only mental agony but also compelled to meet the litigation expenses including the legal practitioners fee and other incidental expenses. The learned counsel would further submit that the Hon'ble Supreme Court in C.A.Nos.9688 to 9693 of 2014 for the very same project has granted

relief to similarly placed landowners, by confirming the award passed by the Reference Court, viz., Rs.6,000/- per cent. Hence, the learned counsel prays for allowing the Cross objection.

7. Heard the learned counsel on either side and perused the materials placed on record.

8. In all these cases, the claimants are the owners of small extents of land in Vilankurichi Village, Coimbatore District. The lands were acquired from the claimants for the purpose of forming a Housing Colony. Initially, by an Award dated 22.02.1986 in Award No.1 of 1986, under Section 11 of the said Act, the compensation was fixed at the rate of Rs.80/- per cent for the land acquired. Being dissatisfied with the compensation awarded, respondents had made a representation before the appellant, hence, pursuant to the request made by the respondent, the Land Acquisition Officer referred the matter to the Land Acquisition Tribunal under Section 18 of the said Act, wherein the respondents filed claim petitions claiming enhancement of compensation and the Reference Court has fixed the value of the acquired land at Rs.5,000/- per cent. Now being dissatisfied with the order passed by the Reference Court, appellant /first respondent in Cross Objections and respondents/cross objectors have come with these appeal and Cross Objections.

9. The contention of the learned counsel for the cross objectors / respondents is that for the very same project for the same purpose, the Hon'ble Supreme Court vide judgment dated 14.10.2014 in C.A.Nos.9688 to 9693 of 2014, has confirmed the award passed in some other claims made by the other landowners, fixing the market value of the land at Rs.6,000/- per cent, while setting aside the order of this Court and therefore, the same benefits, viz., fixing the market value of the land at Rs.6,000/- per cent, have to be given to the cross objectors also. In the above said judgment of the Hon'ble Supreme Court, the aggrieved persons therein against the award passed by the Land Acquisition Officer for fixing the compensation of Rs.200/- filed a petition before the Reference Court seeking enhancement of compensation. The Reference Court gave six separate awards. In four of the awards, compensation was determined @ 6,000/- per cent. In the fifth award, the rate fixed was Rs.400/- per cent while in the sixth award, the rate fixed was Rs.7,000/- per cent. Aggrieved over the awards passed by the Reference Court, Land Acquisition Officer has preferred an appeal before this Court. This Court in A.S.No.780 of 2004, held that an error was committed in treating the value to be Rs.1,71,211/- instead of Rs.1,21,212/- and determined the compensation at Rs.2,000/- per cent. Against the judgment passed by this Court, the aggrieved persons filed Civil Appeals before the Hon'ble Supreme Court and the Hon'ble Supreme Court confirmed the view taken by the Reference Court and determined the compensation of Rs.6,000/- per cent.

10. It is not in dispute that in the present appeal, the land was acquired at Coimbatore. It is also not in dispute that in the present appeal also, the respondents / cross objectors lands have been acquired for the very same project by the Tamil Nadu Housing Board. The Hon'ble Supreme Court, in the above said judgment, held that the District Collector, in four of the awards, determined the compensation at Rs.6,000/- per cent; and in the fifth award, the rate was fixed at Rs.4,000/- per cent; while in the sixth award, the rate was fixed at Rs.7,000/- per cent; and the High Court determined market value to be Rs.2,000/- per cent, apart from other statutory benefits and observed as follows:-

" We are of the opinion that even if mistake pointed out by the High Court that value of transaction at Sr. No.124 was wrongly mentioned as Rs.1,71,211/- instead of Rs.1,21,212/- which worked out to Rs.6,06,060/- per acre was correct, the view taken by the Reference Court in determining compensation @ Rs.6,000/- per cent did not call for any interference."

11. According to the appellant / Land Acquisition Officer the Reference Court has erred in enhancing the compensation without any valid reason from Rs.80/- per cent to Rs.5,000/- per cent. According to the respondents / landowners, the Reference Court ought to have awarded costs in favour of the claimants as their land have been acquired by exercising the power of "Eminent

Domain" pursuant to the notification under Section 4(1) of the Land Acquisition Act, dated 23.03.1983 and the claimant had to litigate for determination of compensation payable for the lands acquired for over 20 years suffering not only mental agony but also compelled to meet the litigation expenses including the legal practitioners fee and other incidental expenses. However, in the present case, though the Reference Court held that the market value would come to Rs.17,790/- and after deducting 40% towards development charges, it would come to Rs.10,674/- and after deducting half of the amount, to give some relief to the allottees since representation has been made by the Housing Board to fix the nominal value of the land, fixed the market value of the acquired land at Rs.5,000/- per cent. Though the appellant and cross-objectors contending their arguments forcibly, in view of the judgment of the Hon'ble Supreme Court, we are of the view that the respondents / cross objectors also would be entitled to Rs.6,000/- per cent, since the similarly placed landowners, have been granted Rs.6,000/- per cent for the very same acquisition viz., for construction of Housing Unit by the Tamil Nadu Housing Board, Coimbatore.

12. In view of the above, the Appeal Suit in A.S.No.168 of 2004 and the Cross Objection in Cros. Obj. Nos.13, 20, 21, 22, 23, 24, 25 & 39 of 2005 and 90 of 2010 are disposed of by refixing the compensation from Rs.5,000/- per cent to Rs.6,000/- per cent, with other statutory benefits, by taking into account

of the related judgment of the Hon'ble Supreme Court in C.A.Nos.9688 to 9693 of 2014, dated 14.10.2014. Insofar as the other reliefs granted by the Reference Court are concerned they are confirmed. Consequently, connected miscellaneous petition is closed. However, there will be no orders as to costs.

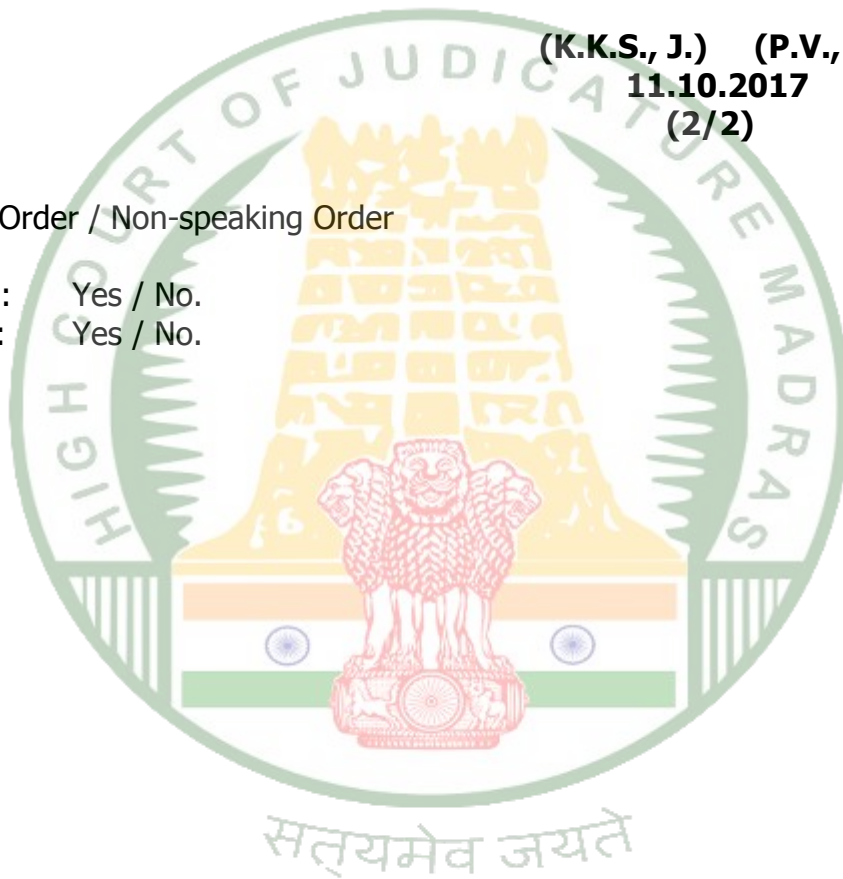
(K.K.S., J.) (P.V., J.)
11.10.2017
(2/2)

Speaking Order / Non-speaking Order

Index : Yes / No.

Internet : Yes / No.

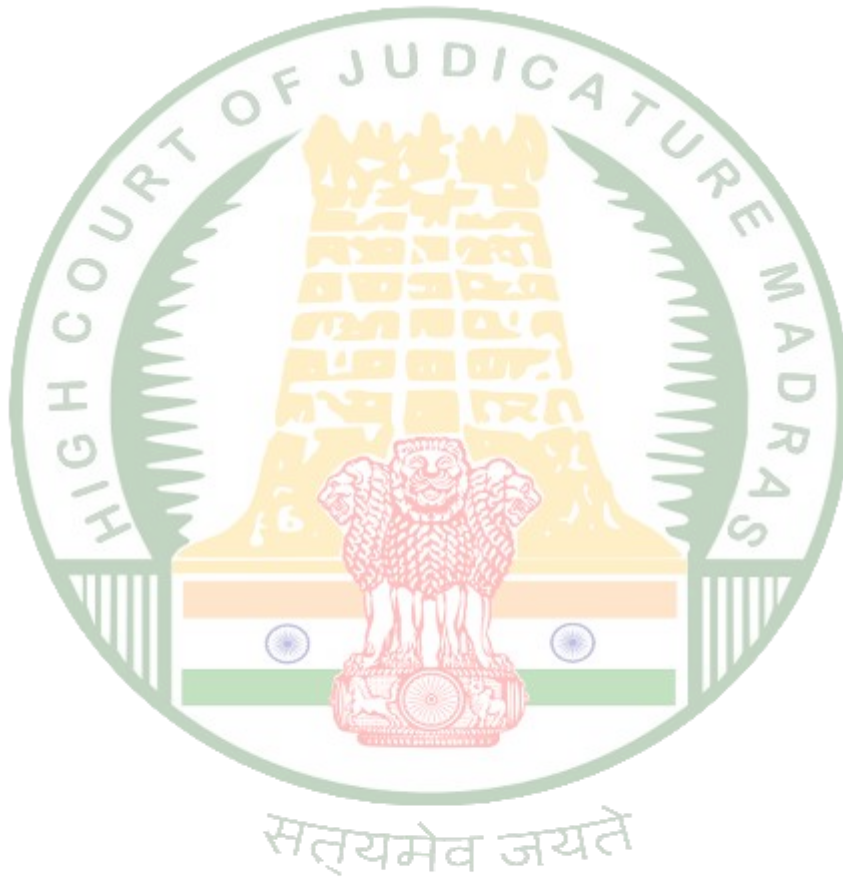
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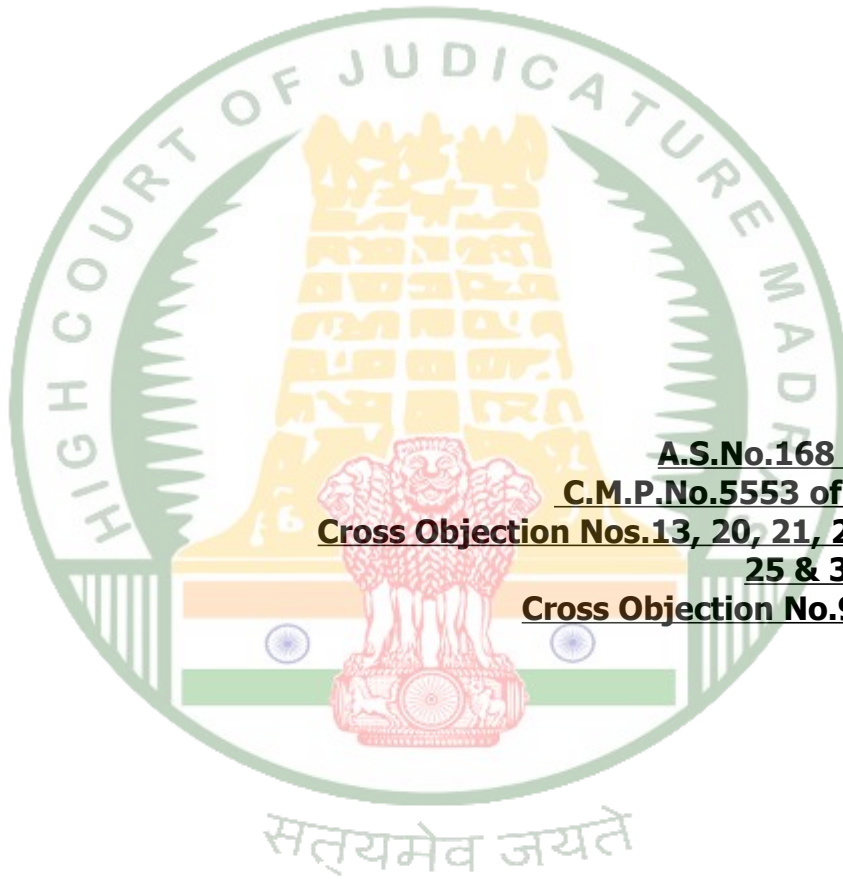
I Additional Subordinate Judge,
Coimbatore.



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K.K.SASIDHARAN, J.
and
P.VELMURUGAN, J.

r n s



A.S.No.168 of 2004 &
C.M.P.No.5553 of 2004 and
Cross Objection Nos.13, 20, 21, 22, 23, 24,
25 & 39 of 2005
Cross Objection No.90 of 2010

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