

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 03.11.2017

CORAM:

THE HON'BLE MR. JUSTICE M.DURAI SWAMY

A.S.No.387 of 2010

The Land Acquisition Officer and
Sub Collector
Hosur

.. Appellant/Respondent

v.

1.Jayamma
2.Sowramma
3.Rajappa
4.Chinnaraj
5.Padmavathi
6.Soodappan
7.Murugesh
8.Savithiri
9.Nagaraj

.. Respondents/Claimants

APPEAL filed under Section 54 of the Land Acquisition Act against the judgment and decree dated 26.03.1998 made in L.A.O.P.No.765 of 1996 on the file of Subordinate Judge, Hosur.

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

For Respondents : No appearance

J U D G M E N T

Challenging the judgment and decree passed in L.A.O.P.No.765 of 1996 on the file of Subordinate Court, Hosur, the Land Acquisition Officer has filed the above Appeal. The respondents are the claimants.

2.1 It is the case of the respondents that their land bearing Survey No.872/2, measuring an extent of 0.11.0 Hectares, situated at Chennathur Town, Hosur Taluk, was acquired by the

Land Acquisition Officer for the formation of Inner Ring Road around Hosur. By the award dated 15.09.1992 in Award No.3 of 1992, the Land Acquisition Officer fixed the compensation at the rate of Rs.61,750/- (Rupees sixty one thousand seven hundred and fifty only) per Hectare.

2.2 Since the compensation awarded by the Acquisition Officer was very low, the respondents-claimants filed an application under section 18 of the Land Acquisition Act for reference seeking for enhancement of compensation. Thereafter, the matter was referred to the Subordinate Court, Hosur, for enhancement of the compensation.

3.1 The Trial Court, while taking up L.A.O.P.No.765 of 1996, also took up the connected L.A.O.Ps, viz., L.A.O.P Nos.759 to 761 of 1996 and 763 of 1996 and disposed of all the L.A.O.Ps by its common judgment dated 26.03.1998.

3.2 Before the Trial Court, on the side of the claimants, 3 witnesses were examined and 3 documents, viz., Exs.C1 to C3 were marked. On the side of the appellant, though there was no oral evidence, the Award dated 15.09.1992 was marked as Ex.R1.

3.3 The Trial Court, taking into consideration the oral and documentary evidences of both sides, enhanced the compensation by fixing the value of the land at Rs.3,76,133/- (Rupees three lakhs seventy six thousand one hundred and thirty three only) per acre together with 30% solatium and 12% additional market value. In all, the Trial Court found that the respondents-claimants are entitled to a sum of Rs.1,66,981/- (Rupees one lakh sixty six thousand nine hundred and eighty one only).

4. Aggrieved over the judgment and decree passed by the Trial Court, the Land Acquisition Officer has filed the above appeal.

5.1 As against the connected L.A.O.Ps in L.A.O.P Nos. 760, 761 and 763 of 1996, the Land Acquisition Officer has filed appeals in A.S.Nos.390, 389 and 388 of 2010 respectively. It is also brought to the notice of this court that the said First Appeals, viz., A.S.Nos.388 to 390 of 2010 were dismissed by this Court on two different dates i.e., A.S.Nos.388 and 389 were dismissed by this court on 29.07.2015 and A.S.No.390 of 2010 was dismissed by this court on 19.08.2010.

5.2 Since the connected appeals filed against L.A.O.P Nos. 760, 761 and 763 of 1996, fixing the compensation in respect of the lands acquired under the very same notification, were dismissed by this Court, the present appeal is also liable to be dismissed on the ground of res judicata.

5.3 That apart, the Trial Court had fixed the value of the land, taking into consideration Exs.C1 and C2 sale deeds dated 05.10.1989 and 01.02.1989. Considering the said documents, the Trial Court fixed the value of the land at Rs.3,76,133/- (Rupees three lakhs seventy six thousand one hundred and thirty three only) per acre.

6.1 On a perusal of the available records, it could be seen that the appellant failed to produce any other document other than the Award passed in the Award No.3 of 1992 to establish that the value of the land fixed by the Land Acquisition Officer is just and proper.

6.2 In the absence of any oral or documentary evidence produced by the appellant-Land Acquisition Officer, the Trial Court had rightly considered Exs.C1 and C2 and fixed the value at Rs.3,76,133/- (Rupees three lakhs seventy six thousand one hundred and thirty three only) per acre. When the award passed by the Trial Court in L.A.O.P Nos. 760, 761 and 763 of 1996 were confirmed in A.S.Nos.388 to 390 of 2010, the said finding is binding in this appeal also, since all the L.A.O.Ps were disposed of by common judgment by the Trial Court.

7. As already stated, the Trial Court has considered the oral and documentary evidences let in by the parties and fixed the compensation, which cannot be stated as on the higher side.

8. In these circumstances, I do not find any ground to interfere with the judgment and decree of the court below. The Appeal is liable to be dismissed. Accordingly, the Appeal is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

Rj

To

The Subordinate Judge, Hosur.

Copy to: The Sub Assistant Registrar,

VR Section, High Court, Madras.

2. The Section Officer, VR Section, High Court, Madras.

+ 1 cc to Government Pleader Sr.78584

A.S No.387 of 2010

SSI(CO)

EU(02/01/2018)