

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

A.S.No.415 of 2010

Sri.KL.Padmanabhan ... Appellant/Claimant

.Vs.

1. The Special Tahsildar
(Land Acquisition)
Naval Air- Station
Project, Unit IV,
Arakkonam
2. Defence-Estate Officer,
Madras Circle,
Fort St. George, Chennai. ... Respondents/Referring
Officer

PRAYER: Appeal suit filed under Section 54 of Land Acquisition Act against the Judgment and decree dated 25.09.1998, in L.A.O.P.No.786 of 1991 on the file of the learned Sub-Ordinate Judge of Ranipet.

For Appellant : Mr.K.Ravindranath

For Respondents : No appearance

J U D G M E N T

The above appeal has been filed by the Claimant/Land owner whose land to an extent of one acre and two cents was acquired for construction of Naval station at Arakkonam as per 4 (1) Notification dated 09.08.1987 and possession of the lands have been taken by Government on 29.09.1987. The land Acquisition Officer fixed a sum of Rs. 170/- per cent as compensation, by his award No.10/88, dated 25.04.1988. Claiming that the amount awarded is very low, the appellant sought for revision under Section 18 (1) of the Land Acquisition Act in L.A.O.P. No.786/1991 before the Subordinate Court, Ranipet.

2. Before the said Court, the appellant has claimed a sum Rs. 3,000/- per cent. The claimant has produced Sale Deeds under which similarly located properties were sold for a higher value.

3. Considering the evidence on record, the learned

Subordinate Judge, Ranipet enhanced the compensation to Rs.510/- per cent, by his Judgment dated 25.09.1998. Aggrieved by the same, seeking further enhancement the land owner has come up with this appeal.

4. Mr. K.Ravindranath, learned counsel for the appellant would submit that this Court has an occasion to deal with the appeal, arising out of LAOP.No.724 of 1991 filed by the land owner, whose lands were acquired, as per the 4 (1) Notification dated 11.08.1987 in the same village of Puliymangalam. He has produced a copy of the Judgment of the Division Bench of this Court, dated 24.06.2004, made in A.S.No.184 of 1996. In the said case, an extent of 3.26 acres in Survey.No.141, Puliymangalam Village was acquired under 4 (1) Notification dated 11.08.1987. The Division Bench, after considering the documents produced had enhanced the compensation payable per cent to Rs.750/- from Rs.400/- which was awarded by the Subordinate Court. The lands which are the subject of the present appeal are situated in S.No.113/2 A and 113/3 of Puliymangalam Village, Arakonam Taluk.

5. Considering the fact that the Hon'ble Division Bench has dealt with a case of acquisition for the very same purpose, under 4(1) Notification dated 11.08.1987 and the fact that 4(1) Notification in this appeal was made on 09.08.1987 just two days before the Section 4(1) Notification, I am of the considered opinion that the appellant is also entitled to the same amount of Rs.750/- per cent as granted by the Division Bench of this Court in A.S.No.182/1996.

6. Hence, this appeal is partly allowed, modifying the Judgment of the Sub Court, Ranipet, in L.A.O.P.No.786 of 1991 and the compensation is enhanced to Rs.750/- per cent. The land owners will be entitled to all statutory benefits as per the Land Acquisition Act, 1984. In all other respects, the Judgment of the Sub Court, Ranipet is confirmed. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

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To
The Subordinate Judge, Ranipet.

A.S.No.415 of 2010

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ss(27/3/2017)