

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on 28.04.2017

Delivered on 02.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MR.JUSTICE M.S.RAMESH

A.S.Nos.345 to 353, 470 & 471 of 2012
M.P.Nos.1 & 2 of 2012 in A.S.Nos.345 to 353, 470 & 471 of 2012
and
M.P.Nos.1 of 2014 in A.S.Nos.345, 349, 350, 352, 353 of 2012

The Special Tahsildar (LA),
SIPCOT-II, Hosur. Appellant/1st respondent in
all Appeals

Vs.

1.Venkatesappa1st Respondent/Claimant in A.S.No.345 of 2012
Balakrishnan1st Respondent/Claimant in A.S.No.346 of 2012
Kushal kumar1st Respondent/Claimant in A.S.No.347 of 2012

K.Sathyannarayanan
...1st Respondent/Claimant in A.S.No.348 of 2012

Venkatesappa ...1st Respondent/Claimant in A.S.No.349 of 2012
Nagachari ...1st Respondent/Claimant in A.S.No.350 of 2012
Marappa ...1st Respondent/Claimant in A.S.No.351 of 2012

Anjappa
Pappamma
Nagaraj ...1 to 3 Respondents/Claimants in A.S.No.352 of 2012

Seetha
Rukumaniamma
Sujatha ...1 to 3 Respondents/2 to 4 Claimants
in A.S.No.353 of 2012

Venkatesh ...1st Respondent/Claimant in A.S.No.470 of 2012

Navaneethan
Sreethar
Seetha
Rukumaniappa

Sujatha ... 1 to 5 Respondents/Claimants in A.S.No.471 of 2012

2.The Project Officer,
SIPCOT,
Bangalore Road,
Hosur Taluk,

Krishnagiri District. ...2nd Respondent/2nd Respondent in
A.S.No.345 to 351 of 2012
and 470 of 2012

... 4th Respondent in A.S.No.352 & 353 of 2012
... 6th Respondent in A.S.No.471 of 2012

Prayer: Appeal Suits have been filed under Section 54 of Land Acquisition Act, against the common judgment and decree dated 24.10.2007, L.A.O.P.Nos.81, 85, 86, 87, 88, 89, 91, 92, 111, 82 & 113 of 1997, passed by the learned Sub-Judge, Hosur.

For Appellants :Mr.P.Gunasekaran, AGP (AS)

For Respondents:Mr.V.Raghavachari (For R1 in all appeals)

Mr.Ramesh Venkatachalapathy

(For R2 in A.S.345 to 351 & 470/12

and R4 in A.S.NO.352 & 353 of 2012

R6 in A.S.471 of 2012)

COMMON JUDGMENT

(Judgment of the Court was delivered by R.Subbiah, J.)

Being aggrieved by the enhancement of compensation from Rs.1,00,000/- per Acre (Rs.2,48,630.20 per Hectare) to Rs.4,77,600/- per acre, by the Sub-Court, Hosur, for the land acquired in Morannapalli Village, Hosur Taluk, Krishnagiri District, for the purpose of formation of SIPCOT at Hosur, Phase-II, the Government has filed the present appeals.

2.The Government issued Notification under Section 4(1) of the Land Acquisition Act, for acquiring various lands in Morannapalli Village, Hosur, for the purpose of locating SIPCOT, Unit-II, at Hosur. After complying with the procedures, the Land Acquisition Officer acquired the land and assessed the compensation at Rs.2,48,630.20 per hectare (Rs.1,00,000/- per acre). Not being satisfied with the same, objection was raised by the land owners. Hence, a reference was made under Section 18 of the Act. Before the Reference Court viz.. Sub-Court,

Hosur, on the side of the claimants, the claimant in L.A.O.P.No.81/1997 viz., Venkatesappa was examined as P.W.1 and 11 documents were marked as Ex.A.1 to 11. On the side of the Land Acquisition Officer, the Special Tahasildar was examined as R.W.1 and four documents were marked as Ex.B.1 to Ex.B.4. After considering both oral and documentary evidence adduced on either side, the Reference Court, viz., the Sub-Court, Hosur has enhanced the compensation amount to Rs.4,77,600/- per acre from Rs.1,00,000/- per acre. Hence, the present appeals have been preferred by the Government.

3.Heard both sides and perused the materials available on record.

4.It has been fairly submitted by the learned Additional Government Pleader (AS) that the connected appeals, which were filed by the Government in respect of the adjacent land owners covered under the same Notification, were dismissed by the learned Single Judge by judgment dated 05.08.2010 in a batch of appeals in A.S.Nos.429 to 442 of 2008 etc. Further, the SLPs filed by the Government as against the said judgment of the learned Single Judge, in SLP.(Civil).Nos.13206 to 13251 of 2011 were also dismissed. The relevant portion in the judgment passed by the Hon'ble Supreme Court in the said SLPs is as follows_

"The learned Single Judge held that the Reference Court was justified in relying upon the two sale deeds of 1994 for the purpose of fixing market rate and deduction of 40% was also justified.

We have heard learned counsel for the petitioners and carefully perused the record. In our view, the Reference Court had rightly applied the principles laid down by this Court for determination of the compensation and the High Court did not commit any error by refusing to interfere with the said determination.

The special leave petitions are accordingly dismissed."

Subsequent to the dismissal of the above said SLPs, a batch of Appeal Suits in A.S.Nos.874 to 876 of 2010 etc., which were also covered under the same Notification, were also dismissed by a learned Single Judge vide judgment dated 27.02.2012.

5.Since the matter has already reached the finality, now We are of the opinion that the impugned common judgment and decree passed by the learned Sub-Judge, Hosur has to be confirmed in respect of the present appeals also.

6.Hence, the present appeals are dismissed, confirming the judgment and decree dated 24.10.2007 passed by the Reference Court viz., Sub-Court, Hosur. The Appellant/Government is directed to pay the compensation amount awarded by the Reference Court within a period of 12 weeks from the date of receipt of a copy of this order. It is made clear that though a common judgment is rendered in respect of all the appeals, the learned Special Government Pleader (AS) and the learned Standing Counsel for SIPCOT are entitled to get separate set of fees in respect of each appeal.

Consequently, connected Miscellaneous Petitions are closed.
No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

ssv
To,

The Subordinate Judge,
Hosur.

Copy to

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

+1cc to the Government Pleader Sr.40222

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A.S.Nos.345 to 353, 470 & 471 of 2012
and
connected MPs

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srg 27/06/2017