



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.04.2017

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

AS (MD) Nos.11 and 12 of 2017
CMP (MD) Nos.557 and 558 of 2017

AS (MD) No.11 of 2017

The Special Tahsildar,
Land Acquisition, Irukkangudi,
Reservoir Scheme, Sattur.

Appellant/Referring officer

Vs

Thiru.ParamasivaThevar,
S/o. Sami Thevar,
Nathathupatti.

Respondent/Claimant

AS (MD) No.12 of 2017

The Special Tahsildar
Land Acquisition, Irukkangudi
Reservoir Scheme, Sattur

Appellant/Referring officer

Vs

Tmt.Solaiammal,
W/o.Karuppasamy,
Alampatti, Sattur Taluk.

Respondent

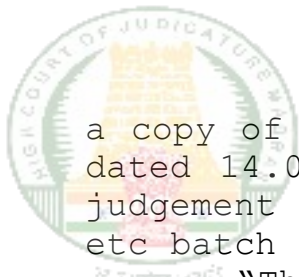
Prayer:- These Appeal Suits are filed under Order 54 of the Land Acquisition Act to set aside the decree passed in LAOP.Nos.106 and 108 of 2002, dated 08.04.2004 on the file of the Sub Court, Sivakasi.

For Appellants : Mr.R.Velmurugan, GA

For Respondents : Mr.S.Vinoth for Mr.A.Sivaji

JUDGEMENT

Both the learned Government Advocate for the appellant and the learned counsel for the Respondents in both the appeals submitted that the issue involved in these appeals had been already decided by the judgement of this court dated 30.11.2010 made AS (MD) Nos.110 to 112 on 2006, etc. batch. They also produced



a copy of the judgement made in AS(MD)Nos.57 of 2015, etc. batch, dated 14.03.2016, wherein this court had followed the above said judgement dated 30.11.2010 made in AS(MD)Nos.110 to 112 of 2006 etc batch and it has been held as follows:-

"The learned Government Advocate appearing for the appellant as well as the learned counsel appearing for the respondents submitted that the issue involved in these Appeal Suits has already been decided by this Court in A.S.(MD).Nos.110 to 112 of 2006 etc batch, dated 30.11.2010, wherein it has been held as follows:-

"These appeals have been preferred against the awards passed in LAOP.Nos.26, 29 & 30 of 2002; 122, 121, 123 & 124 of 2002; 101 to 104 of 2002; 94 of 2002; 16, 17, 18, 20 & 22 of 2002; and 99 & 101 of 2004 by the Land Acquisition Tribunal/Sub Court, Sivakasi.

2. The appellant herein as Land Acquisition Officer has acquired the lands comprised in Survey Nos.**139/1, 139/3 and 139/1** (LAOP.Nos.26, 29 & 30/02); **129/2, 129/2, 129/4, 129/6, 132 & 129/4, 129/6, 132** (LAOP.Nos.122, 121, 123 & 142/02); **135/5, 130/2, 130/2 and 135/7, 135/4** (LAOP.Nos.101 to 104/02); **100** (LAOP.No.94/02); **121/2, 121/4 & 121/6; 117/8C & 117/9; 122/1; 122/2 & 122/1** (LAOP.Nos.16 to 18, 20 & 22/02); **111/1 & 111/1** (LAOP.Nos.99 & 101/04) which situate in Alampatti Village and awarded a compensation of Rs.85/- per cent. Aggrieved by the quantum awarded by the Land Acquisition Officer, references have been made under section 18 of the Land Acquisition Act, 1894 and the same have been taken on file in LAOP.Nos.26, 29 & 30 of 2002; 122, 121, 123 & 124 of 2002; 101 to 104 of 2002; 94 of 2002; 16, 17, 18, 20 & 22 of 2002; 99 and 101 of 2004 on the file of the Land Acquisition Tribunal/Sub Court, Sivakasi.

3. The Land Acquisition Tribunal after considering the available evidence on record has fixed Rs.1,200/- per cent by way of compensation. Against the quantum fixed by the Land Acquisition Tribunal, these appeals have been preferred at the instance of the Land Acquisition Officer as appellant.

4. Since common questions of law and facts are involved in all these appeals, common Judgment is pronounced.

5. It is an admitted fact that the appellant/Land Acquisition Officer has acquired the lands in question for the purpose of constructing a dam and awarded a compensation of Rs.85/- per cent. The Land Acquisition



Tribunal has awarded Rs.1,200/- per cent.

6. The learned Government Advocate has vehemently contended that even though 4(1) Notifications have been published on 28.12.1999, 20.10.1997, 23.07.1997, 24.07.1997, 08.11.1999 and 20.11.1997, from the year 1992 proceedings have been taken and in order to get more compensation Exs.C1 and C2 have come into existence and further the Land Acquisition Tribunal has relied upon Ex.C2 and in Ex.C2 only a small piece of land has been dealt with and the same is nothing but a house plot and therefore the value fixed in Ex.C2 cannot be a basis for fixing the value of the lands in question. Under the said circumstances the compensation awarded by the Land Acquisition Tribunal is liable to be modified.

7. The learned counsel appearing for the respondents/claimants has also equally contended that Ex.C2 has come into existence on 03.05.1994 and 4(1) Notifications have come into existence on 28.12.1999, 20.10.1997, 23.07.1997, 24.07.1997, 08.11.1999 and 20.11.1997 and the property mentioned in Ex.C2 is nothing but punja land and it is not a house plot and the Land Acquisition Tribunal after considering the lie of the land mentioned in Ex.C2 as well as the lands which have been acquired has clearly come to the conclusion that the claimants are entitled to get Rs.1,200/- per cent by way of compensation and therefore the quantum fixed by the Land Acquisition Tribunal is perfectly correct and the same does not require any interference.

8. It is an admitted fact that 4(1) Notifications have been issued on 28.12.1999, 20.10.1997, 23.07.1997, 24.07.1997, 08.11.1999 and 20.11.1997. Ex.C2 has come into existence on 03.05.1994, wherein the property which is comprised in Survey No.70/3 has been dealt with.

9. In fact, this Court has perused the combined sketch which has been marked as Ex.R3, wherein it is clearly mentioned that Survey No.70/3 is situate on the western side of the properties, which have been acquired. Considering the fact that 4(1) Notifications have been issued on 28.12.1999, 20.10.1997, 23.07.1997, 24.07.1997, 08.11.1999 and 20.11.1997 and Ex.C2 has come into existence on 03.05.1994, the Court can very well come to a conclusion that the value fixed in Ex.C2 can be a basis for fixing the value of the lands, which have been acquired.



10. Under Ex.C2 one cent of land has been sold for a sum Rs.1,234/-. But the Land Acquisition Tribunal after considering the other circumstances has fixed Rs.1,200/- per cent by way of compensation. Since 4(1) Notifications have been issued on 28.12.1999, 20.10.1997, 23.07.1997, 24.07.1997, 08.11.1999 and 20.11.1997 and since Ex.C2 has come into existence on 03.05.1994 and that too in respect of punja land and also considering that the lands which have been acquired are nothing but punja lands, it is needless to say that the value fixed by the Land Acquisition Tribunal is perfectly correct and the same does not require any interference.

11. In fine, these appeals deserve dismissal and accordingly are dismissed without cost. Connected Miscellaneous Petitions are also dismissed. The awards passed in LAOP.Nos.26, 29 & 30 of 2002; 122, 121, 123 & 124 of 2002; 101 to 104 of 2002; 94 of 2002; 16, 17, 18, 20 & 22 of 2002; 99 and 101 of 2004 by the Land Acquisition Tribunal/Sub Court, Sivakasi are confirmed.

12. Since the issue involved in these Appeal Suits has already been decided by this Court, as stated supra, following the same, the present Appeal Suits are also dismissed on similar lines. No costs. Consequently, connected Miscellaneous Petitions are closed.

2. Following the above said judgements, wherein the issue involved in the present appeals had already been decided by this court, these appeal suits are dismissed on similar observations as stated in the above said judgements. No costs. Consequently, the connected CMPs are closed.

Sd/-

Assistant Registrar(CS-II)

/True Copy/

Sub Assistant Registrar

To

1.The Sub-Judge, Sivakasi.

2.The Special Tahsildar,
Land Acquisition, Irukkangudi,
Reservoir Scheme, Sattur.

+2cc to SPECIAL GOVERNMENT PLEADER in SR. No.50636,50637

+1cc to M/s. A.SIVAJI Advocate in SR. No.50284

VSA

<https://hcservices.ecourts.gov.in/hcservices/>

JS/SV.SAR.4/2P-6C/9.05.2017

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