

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

A.S.Nos.32 to 44 of 2018 and
Civil Miscellaneous Petitions Nos.615 to 639 of 2018

The Revenue Divisional Officer
Tiruvannamalai. ...Appellant/Referring Officer
in all appeals

-Vs.-

Vengammal ...Respondent in A.S.No.32/2018/Claimant
Srinivasan ...Respondent in A.S.No.33/2018/Claimant
Ramaraj ...Respondent in A.S.No.34/2018/Claimant

Munusamy (Died)
1.Kuppammal
2.Pachiappan
3.Lakshmana
4.Ganeshan
5.Ekambaram ...Respondents in A.S.No.35/2018/Claimants

Alamelu ...Respondent in A.S.No.36/2018/Claimant
Kuppammal ...Respondent in A.S.No.37/2018/Claimant
Jayaraman ...Respondent in A.S.No.38/2018/Claimant
Annamalai ...Respondent in A.S.No.39/2018/Claimant
Arunachalam ...Respondent in A.S.No.40/2018/Claimant
Govindan ...Respondent in A.S.No.41/2018/Claimant
Balaraman ...Respondent in A.S.No.42/2018/Claimant
Balaraman ...Respondent in A.S.No.43/2018/Claimant
Valli ...Respondent in A.S.No.44/2018/Claimant

Appeal Suits filed under Section 54 of the Land Acquisition Act, against the judgment and decree of the Principal Sub-Court, Tiruvannamalai in L.A.O.P.Nos.61, 60, 62, 63, 64, 70, 87, 90, 91, 92, 93 of 2000, dated 04.02.2010, 94 and 96 of 2001 dated 03.02.2010 respectively.

For Appellant : Mr.J.Balagopal
Spl.Govt.Pleader (AS)

For Respondents : Mr.R.RajaRajan
in all Appeals

C O M M O N J U D G M E N T

K.K.SASIDHARAN, J.

The first appeals are at the instance of the Revenue Divisional Officer, Tiruvannamalai and the challenge is to the Award passed by the Principal Sub-Court, Tiruvannamalai in L.A.O.P.Nos.61, 60, 62, 63, 64, 70, 87, 90, 91, 92, 93 of 2000, 94 and 96 of 2001, whereby and where under, the land value was enhanced from Rs.277/- per cent to Rs.65 per sq.ft.

2. The land in question was acquired along with larger extent for the construction of Master Plan Complex and Collectorate Plan Complex in Tiruvannamalai District. The Notification under Section 4(1) of Land Acquisition Act, 1894 was issued on 13 July, 1998. The Government resorted urgency provision under Section 17(1) of the Act for acquisition. The Declaration under Section 6 was issued on 13 July 1998.

3. The Land Acquisition Officer passed the common Award bearing No.5 of 2000 dated 14 February 2000 in respect of L.A.O.P.Nos.61, 60, 62, 63, 64, 70, 87, 90, 91, 92, 93 of 2000 and Award bearing Nos.2/2000 dated 10 January 2000 in respect of LAOP Nos. 94 and 96 of 2001. The Land Acquisition Officer fixed a sum of Rs.277/- per cent as the compensation payable to the land owners.

4. The Land Acquisition Officer referred the matter to the Sub-Court at Tiruvannamalai under Section 18 of the Act. The learned Principal Subordinate Judge enhanced the compensation to Rs.65/- per sq.ft on the basis of the documents filed by the parties.

5. The present appeals are filed against the Award passed by the Principal Subordinate Judge, Tiruvannamalai.

6. The learned Special Government Pleader appearing on behalf of the appellants and the learned counsel for the respondents by producing the judgment dated 3 August 2015 in A.S.Nos.134 to 144 of 2013 etc. batch submitted that the issue is covered by the said judgment.

7. We have perused the judgment dated 3 August 2015 referred to above. The connected Awards passed by the Principal Subordinate Court, Tiruvannamalai were the subject matter in those appeals. The Division Bench after considering the entire matter reduced the compensation from Rs.63/- per sq.ft. to Rs.57/- per sq.ft together with interest and solatium. Since the present appeals are part of the earlier Awards passed by the very same Court, the land value should be fixed in accordance with the said Award.

8. Accordingly, by following the judgment dated 3 August 2015 in A.S.Nos.134 to 144 of 2013 etc. batch, we set aside the Award passed by the learned Principal Subordinate Judge, Tiruvannamalai. We modify the Award to the effect that the compensation payable for the land in question would be Rs.57/- per sq.ft. The land owners are entitled to interest and solatium as per the provisions of the Land Acquisition Act. The appellant shall pay the amount of compensation to the land owners within a period of 12 weeks from the date of receipt of a copy of this judgment.

9. The first appeals are allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petitions are closed. The learned Special Government Pleader (AS) is entitled to separate fees.

Sd/-

Assistant Registrar(CS-iii)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Sub-Court,
Tiruvannamalai.

COPY TO

The Section Officer
V.R. Section, High Court
Madras-104.(2 COPIES)

A.S.Nos.32 to 44 of 2018

GJ(CO)
TR(08/06/2018)