

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2018

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

A.S.Nos.1028 to 1032 of 2012 and
Connected Miscellaneous Petitions

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

-Vs.-

Jaleel Basha ...Respondent in A.S.No.1028/2012/
Claimant

1.C.Kanmani
2.C.Devaraj ...Respondents in A.S.No.1029/2012/
Claimants

C.Sekar (Deceased
1.Mangai
2.Vimala
3.Minor Palani
(Minor represented by
Guardian mother Vimala the
2nd Respondent herein) ...Respondents in A.S.No.1030/2012/
Claimants

Subramania Sharma ...Respondent in A.S.No.1031/2012/
Claimant

1.Mariam Bee
2.Jalal Basha ...Respondent in A.S.No.1032/2012/
Claimants

Appeal Suit 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.29 of 2000,
65, 89,91 and 92 of 2001 dated 03.02.2010 respectively.

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

For Respondent : Mr.G.Rajan
in AS.1028/12, 1029/12, 1031/12

For Respondent in AS.1030/12 : Mr.P.S. Kothandaraman

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.29 of 2000, 65, 89,91 and 92 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 3 June, 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 Award bearing Nos.1/99, 8/99, 12/99 3/00, 6/00, 7/00 and 8/00 on different dates in the years 1999 and 2000. 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.

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

5. 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.

6. 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.

7. Accordingly, by following the judgment dated 3 August 2015 in A.S.Nos.134 to 144 of 2013 etc. batch, we set aside the Awards 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.

8. The first appeals are allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Principal Sub-Court,
Tiruvannamalai.
2. The Revenue Divisional Officer, Tiruvannamalai.
3. The Section Officer
V.R. Section, High Court
Madras-104.

+ 1 cc to Mr. G. Rajan, Advocate Sr.3853
+ 1 cc to Government Pleader Sr.3705

A.S.Nos.1028 to 1032 of 2012

KGK(CO)
EU(21/03/2018)

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