

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

A.S.No.932 of 2003

The Special Tahsildar (L.A.),
Housing Scheme, Hosur.

... Petitioner

Vs

1. Akkamma

2. Krishnamma

3. Venkattaswamy

4. Anjamma

5. Ramappa

6. The Executive Engineer,
Tamil Nadu Housing Board,
Hosur.

... Respondents

Prayer: This Appeal Suit is filed under Section 54 of the Land Acquisition Act, against the judgment and decree dated 01.09.1997 in L.A.O.P.No.439/96, on the file of the learned Subordinate Judge of Hosur.

For Petitioner : Mr.J.Balagopal,
Special Governemnt Pleader(A.S.)

For Respondents : Mr.D.Shivakumaran

J U D G M E N T

This First Appeal arises from the award passed by the Sub-Court, Hosur in L.A.O.P.No.439 of 1996.

2. The property of the petitioner and several others were acquired for formation of neighbourhood scheme in Hosur by the Housing Board. In the Award passed by the District Collector in Award A.No.1/1994, dated 10.04.1994, the market price of the property was determined at Rs.892/- per cent uniformly for all

the lands acquired irrespective of the relative location from main road and other facilities. Several land owners had moved for referring the matters under Sec.18 of the land Acquisition Act and Reference too were made and they were all taken on file by the Sub-Court, Hosur. One such was taken on file in L.A.O.P.No.439/1996 and by a common award dated 01.09.1997, L.A.O.P.No.439/1996 along with L.A.O.P.Nos.436/1996 and 438/1996 were disposed of and the Sub-Court, Hosur where it determined the market value payable for the property at Rs.7,187/- per cent.

3. Aggrieved by the manifold increase in the compensation so determined, the Government has preferred several First Appeals, in A.S.No.50 of 1999 batch, and this Court Vide judgment dated 17.09.2003, has reduced the market price determined by the Sub-Court Hosur from Rs.7,187/- per cent to Rs.5,900/- per cent. So far as the batch of L.A.O.P.Nos.436 to 438 of 1996 is concerned, the Government has preferred four separate appeals namely A.S.Nos.600 to 602 of 2003 and the present appeal in A.S.No.932 of 2003. Relying the earlier judgment in A.S.No.50 of 1999, the Division Bench of this Court in its judgment dated 05.12.2003 has determined the compensation for the properties involved in A.S.Nos.600 to 602 of 2003 at the rate of Rs.5,900/- per cent.

4. The learned counsel for the appellant submitted that there has been a omission to list A.S.No.932 of 2003 along with batch of First Appeals in A.S.Nos.600 to 602 of 2003. Inasmuch as the market price has been fixed at market value of the property at Rs.5,900/- per cent to the properties involved in A.S.Nos.600 to 602 of 2003, the same has to be applied as regards to the properties of the appellant involved in the said acquisition.

5. The learned counsel appearing for the respondent has made a fair statement concurring with the submission of the learned Government Advocate and has circulated a copy of the judgment in A.S.Nos.600 to 602 of 2003 for the benefit of this Court.

6. Accordingly, this appeal is partly allowed and the market value of the respondents property is determined at Rs.5,900/- per cent and as to the rest namely, payment of solatium and other interests, the same shall continue as provided in the statute. No costs. If any of the respondents are now dead, it is open for them to apply either to the District Collector or to the Civil Court, as the case may be, for withdrawing the compensation amount as per decree of this Court.

s/d-

Assistant Registrar(CS-V)

True Copy

Sub-Assistant Registrar

ssn

To

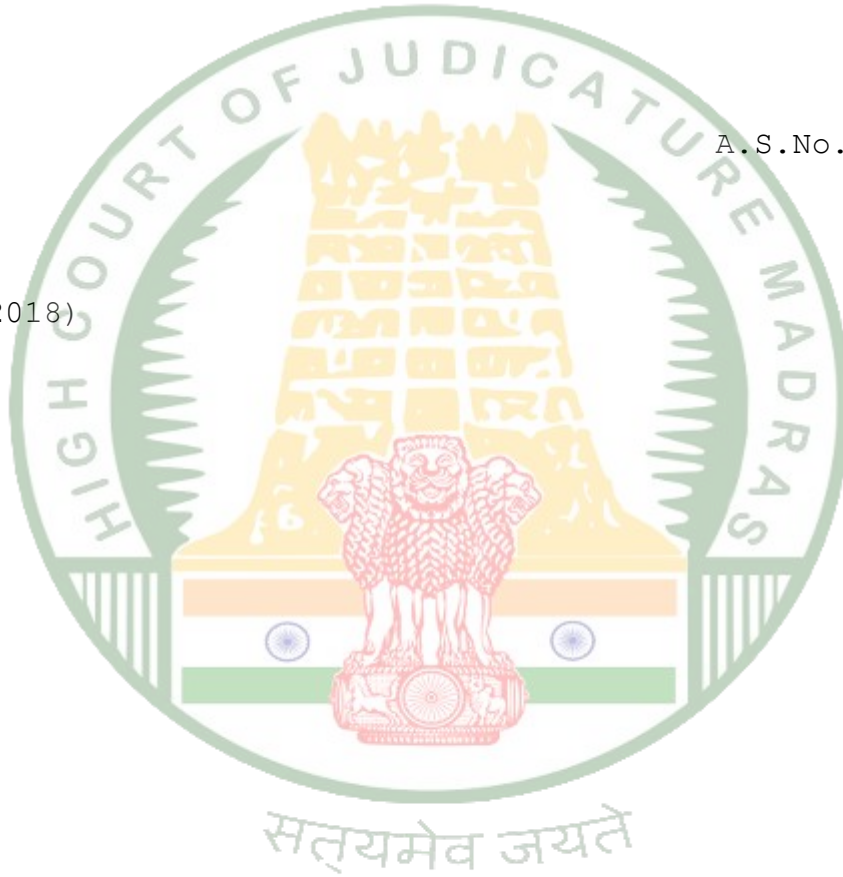
1. The Subordinate Judge
Hosur.

Copy to
The Section officer
VR Section, High Court, Madras.

+1 CC to Mr.D. Shivakumaran, advocate sr 19079.
+1 CC to govt. Pleader sr 18851.

A.S.No.932 of 2003

KS (CO)
SP (29/05/2018)



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