



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.02.2018

CORAM:

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THE HONOURABLE MR.JUSTICE S.S.SUNDAR

A.S.(MD)No.209 of 2017

and

C.M.P.(MD)No.11823 of 2017

Revenue Divisional Officer,
(Land Acquisition), Madurai

... Appellant/Referring Officer,

-Vs-

S.S.Ramasundar

...Respondent /Claimant

PRAYER: Appeal Suit is filed under Section 96 of the Civil Procedure Code, against the Judgment and Decree in L.A.O.P.No.97 of 1999 dated 27.01.2005 on the file of the Additional District Sessions Court / Fast Track Court-1, Madurai.

For Appellant : Mr.S.Angappan

Government Advocate

For Respondent : Ms.S.Vijaya Shanthi

for M/s.Veera Associates

JUDGMENT

This appeal suit has been filed by the Land Acquisition Officer as against the Judgment and Decree in L.A.O.P.No.97/99 dated 27.01.2005 on the file of the Additional District Sessions Court / Fast Track Court-1, Madurai.

2.Vast extent of land was acquired for the establishment of Madurai Bench of Madras High Court and compensation has already been fixed in several other cases by this Court in connected appeals. The land, which is the subject matter of this appeal, is also part of the land acquired for the said purpose from the respondent / claimant. For similar land acquired for the same purpose covered by same notification under Section 4(1) of the Land Acquisition Act, this Court has already fixed the compensation at Rs.5,400/- per cents, as against the compensation fixed by the reference Court at Rs.7,200/- per cent.

3.The learned Government Advocate produced the judgment of this Court in A.S.(MD)Nos.190 to 194 of 2011, in the case of Revenue Divisional Officer vs. R.Jeyaraman and others. This Court has held as follows:



"Learned Additional Government Pleader appearing for the appellant and learned Counsel for the respondents / claimants would state before this Court that the Awards under challenge before this Court in these appeals are passed in respect of the lands acquired for the purpose of locating the Madurai Bench of the Madras High Court and they are covered by the decision of this Court in a Batch of Appeal Suits in 220 of 2007, 105 and 111 of 2008, 21, 23, 29 to 45, 54, 57, 58, 71, 75, 79, 91, 111, 119, 140 to 164, 171 to 188, 215 and 216 of 2009 and 13 and 14 of 2010 and Cross Objection Nos.69 of 2009 and 7 and 8 of 2010, dated 16.07.2010, wherein in Paragraph No.32, this Court held that the valuation in respect of the entire extent of land has to be done at the same rate, as per the decision of the Supreme Court in Land Acquisition Officer - Revenue Divisional Officer, Chittor vs.L.Kamalam (Smt) Deed by Lrs and Others, reported in (1998) 2 SCC 385, Para-7. Keeping that background, this Court arrived at the valuation of Rs.5,400/- per cent, as against the amount of compensation fixed at Rs.7,200/- per cent.

2.In the light of the said judgment, which is applicable to the present appeals also, they are partly allowed thereby refixing the compensation payable at Rs.5,400/- per cent. If the Government has not deposited any amount, we direct the Government to deposit the compensation amount at the rate of Rs.5,400/- per cent in all the above appeals, along with other statutory payments, within a period of three months from the date of receipt of a copy of this judgment. No costs. Connected Miscellaneous Petitions are closed.

4.Since, the land covered under the same notification has already been dealt with in the above appeal and the compensation has been fixed in the light of the judgment of the Honourable Supreme Court, this Court has no other option, but to follow the same.

5.As a result, this appeal is partly allowed and the judgment and decree in L.A.O.P.No.97/99 dated 27.01.2005 on the file of the Additional District Sessions Court / Fast Track Court-1, Madurai is modified and the compensation for the respondent's land is fixed at Rs.5,400/- per cent with other statutory benefits. The Government is directed to disburse the compensation within a period of three months from the date of receipt of a copy of this order. No costs. Consequently, the connected, miscellaneous petition is closed.

Sd/-

Assistant Registrar (T&P)

/True Copy/



To
The Additional District and Sessions Judge,
Fast Track Court No.III, Madurai.

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Copy to : The Record Keeper, V.R.Section,
Madurai Bench of Madras High Court, Madurai.

GJM/SV/MMS/SAR-2-19.3.18-3p-4c

Judgment made in
A.S. (MD) No.209 of 2017
16.02.2018