



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEDNESDAY, THE TWENTY SEVENTH DAY OF MARCH,

TWO THOUSAND AND NINETEEN

PRESENT:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

SECOND APPEAL (MD) No.399 OF 2018

The Special Tahsildar (LA)
Adi Dravidar Welfare
Periyakulam.

...Appellant/Land Acquisition Officer.

- Vs. -

1.Periyavairavan Chettiar (Died)

2.Kamatchi Ammal

3.Periyakamatchi

4.Chinnakamatchi

5.Velammal

6.Kuppammal

7.Paiyammal ... Respondents/Claimants.
(Respondents 2 to 7 are impleaded as legal
representatives of the deceased sole respondent
vide order dated 31.10.2018 made in C.M.P. (MD)
Nos. 3565 to 3567 of 2016)

Second Appeal is filed under Section 13 of the Tamil Nadu Acquisition of land for Harijan Welfare Scheme Act 1978 (Act 31/78) read with Section 100 of the Code of Civil Procedure, 1908 against the Judgment and Decree dated 13.06.2005 passed in C.M.A. No.7 of 2003 on the file of the Sub Court, Periyakulam, modifying the award dated 21.03.1997 passed in Award No.7/96-97 on the file of the Special Tahsildar (LA), Adi Dravidar Welfare, Periyakulam.



ORDER: This Second Appeal coming on for hearing on this day, upon perusing the grounds of Appeal, the Judgment and Decree of the Lower Appellate Court and the Award, the material papers in the suit and upon hearing the arguments of Mr.J.Gunaseelan Muthiah, Additional Government Pleader on behalf of the Appellant and of Mr.P.Muthuvijayapandian, on behalf of the respondent this Court while allowing the appeal in part, doth order and decree as follows:-

1. That, the respondents 2 to 7 herein/claimants be and hereby are entitled to get the modified amount of Rs.1,275/- (Rupees one thousand two hundred and seventy five only) per cent as compensation and except the said modification, the Judgment and Decree dated 13.06.2005 passed in C.M.A. No.7 of 2003 on the file of the file of the Subordinate Court, Periyakulam, be and hereby is confirmed in all other respects; and
2. And, that there be no costs in this Second Appeal.

Schedule of property

In Theni District Andipatty Taluk, in Mekkilarpatty Village in Survey No.1421/2A to an extent of 0.12.5 Hectares and in Survey No.1422 to an extent of 0.87.5 Hectares and in total 1.00.00 hectares.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar (CS)



To

- 1.The Subordinate Judge, Periyakulam.
- 2.The Special Tahsildar(LA),Adi Dravidar Welfare,Periyakulam.

WEB COPY

Copy to : The Record Keeper,
V.R. Section,
Madurai Bench of Madras High Court,
Madurai.(2Copies)

+1cc to Mr.P.Muthu Vijaya Pandian,Advocate, SR.No.57084

+1cc to the Spl.Govt.Pleader Sr.No.57775

ORDER DATED: 27.03.2019

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DECREE

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S.A. (MD) No.399 of 2018

Second Appeal is allowed in part preferred against the Judgment and Decree dated 13.06.2005 passed in C.M.A. No.7 of 2003 on the file of the Sub Court, Periyakulam, modifying the award dated 21.03.1997 passed in Award No.7/96-97 on the file of the Special Tahsildar (LA), Adi Dravidar Welfare, Periyakulam,etc., as stated within.

NA (25.07.2019) 3P : 7C