

IN THE HIGH COURT OF JUDICATURE AT MADRAS
RESERVED ON : 27.09.2019
PRONOUNCED ON : 18.10.2019

CORAM

THE HONOURABLE MR. JUSTICE T.RAVINDRAN

A.S.Nos.763, 765 & 766 of 1997

A.S.No.763 of 1997

Neyveli Lignite Corporation Limited
represented by its Secretary,
Neyveli 607 801

...Appellant/2nd respondent
in all the three appeals

Vs.

1. A.H. Haja Sherief (deceased) ..1st respondent/Claimant
2. Special Tahsildar No.III Land Acquisition
Neyveli. ..2nd respondent/1st respondent
3. Kajammal @ Kathija Beevi
4. Mubaraj Begum
5. Mumtaz Begum
6. H. Bahadoor
7. Rameeza Beevi
8. Rahila Bhanu
9. Jamal
10. Anwar

...Respondents 3 to 11
in all the three appeals

RR3 to 10 brought on record as LRs of the
deceased R1 vide order of court dated
11.08.2010 made in CMP Nos.876 to 884 of 2008
in A.S.No.763, 765 and 766 of 1997.

Prayer: First Appeals filed under Section 54 of Land
acquisition Act, 1894 against the judgment and decree of the
Sub ordinate Judge, Vridhachalam dated 20.03.1997 in LAOP
Nos.51/85, 128/82 and 167/82.

For Appellant : Mr. N. Nithyanandan

For Respondents: Mr. J. Balagopal, Special Govt. Pleader(CS)
for R2 in all appeals
Ms. R. Meenal for R3 to R6 in all appeals.
R7 to R10 - No appearance. Set exparte
vide order dated 27.09.2019.

COMMON JUDGMENT

A.S.Nos. 763, 765 and 766 of 1997 are directed against the judgment and decree dated 20.03.1997 passed in LAOP Nos. 51/85, 128/82 and 167/82 on the file of the Subordinate Court, Vridhachalam.

2. Shorn of unnecessary details, it is found that the subject matter of the abovesaid first appeals were acquired for the purpose of expanding the Mines-II of Neyveli Lignite Corporation Limited and it is found that the land owners, being aggrieved over the award fixed by the land acquisition officer, on putting forth objection to the same, the matter was referred to the referral court for determining the lawful compensation to be paid to the land owners and the referral court, based on the materials placed on record, both oral and documentary, determined that the compensation should be fixed at the rate of Rs.30,000/- per acre and accordingly determined the compensation payable to the land owners for acquisition of their respective land holdings along with the amount of solatium and interest which they were entitled to and accordingly disposed of the LAOPs involved in the matter. Aggrieved over the same, the present first appeals have been preferred by Neyveli Lignite Corporation Limited.

3. During the course of arguments, the counsel for the appellant, put forth the case that in similar matters, the Supreme Court had dealt with the acquisition of the lands and fixed the compensation and according to him, in one such batch reported in JT 1999 (9) SC 524 (G. Rajendran & ors. vs. Special Tahsildar, Tamilnadu), the Supreme Court had, in all, determined the compensation to be paid to the land owners in respect of the lands belonging to them, all being irrigated dry land, at the rate of Rs.82,000/- per acre and the abovesaid amounts are inclusive of solatium and interest as they are lumpsum payments.

4. According to the appellant's counsel, the compensation amount fixed by the Apex Court should be followed in this case as according to him, the solatium amount and the interest amount awarded by the referral court does not have the sanction of law as according to him, the amendment with reference to the same had been effected in the Act only during 1984, much after the notification of the land acquisition involved in the matter. According to him, the compensation fixed by the Apex Court should be followed by this Court and prayed for appropriate orders.

5. The counsel for the claimants did not put forth any objection in adopting and awarding the compensation fixed by the Supreme Court in the abovesaid decision.

6. In the light of the abovesaid factors, inasmuch as in similar case, the Supreme Court had decided to award a lumpsum payment inclusive of the solatium and interest and as the same is binding upon this Court and considering the similar classification and nature of the lands involved in the case before the Supreme Court and in the present first appeals, in such view of the matter, following the decision of the Apex Court, the compensation awarded to the claimants by the referral court stands modified and the claimants are held to be entitled to receive a total compensation of Rs.82,000/- per acre inclusive of solatium and interest and accordingly, the first appeals are disposed of. Considering the facts and circumstances, there is no order as to costs. Consequently, connected miscellaneous petition, if any, is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bga
Copy to

1.The Judge, Subordinate Court, Vridhachalam.

+1cc to M/s.R.Meenal , Advocate SR.No. 87518
+1 cc to Spl Government Pleader Sr.No. 87431
+1cc to Mr.N.Nihtianandan, Advocate SR.No. 87200

A.S.Nos.763, 765 & 766 of 1997

A.SK(03/03/2020)