

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

A.S.No.65 of 2013

The Tahsildar, Namakkal,
formerly

The Special Tahsildar (LAO),
Bye Pass Road, Namakkal.

[Cause title accepted vide order
of Court dated 04.02.2013
made in M.P.No.1/13 in
A.S.Sr.No.85588 of 2012]

... Appellant/1st Respondent

Vs

1.M.Muthusamy

..1st Respondent/Claimant

2.The Divisional Engineer,
National Highways, Salem - 5.

3.The Project Director,
National Highways Authority of India,
Karur - 2. ... Respondents 2 & 3/Respondents 2 & 3

First Appeal filed u/s.54 of the Land Acquisition Act
against the judgment and decree dated 27.04.2012 in
L.A.O.P.No.1 of 1997 on the file of learned Subordinate Judge,
Namakkal.

For Appellant : Mr.J.Balagopal,
Special Government Pleader (AS)

For Respondents: Mr.S.Mukunth
for M/s.Sarvabhauman Associates [R1]

JUDGMENT

(Judgment of the Court was delivered by R. SUBBIAH, J)

The Tahsildar, Namakkal, formerly The Special Tahsildar
(LAO), Bye Pass Road, Namakkal, has filed this appeal under
Section 54 of The Land Acquisition Act questioning the
correctness of the Judgment and Decree 27.04.2012 made in
L.A.O.P.No.1 of 1997 on the file of learned Subordinate Judge,

Namakkal. By the said judgment dated 27.04.2012, the Subordinate Judge, Namakkal, had enhanced the compensation awarded by the Land Acquisition Officer from Rs.0.54 to Rs.80/- per square feet for the lands acquired from the first respondent herein.

2. When this appeal suit is taken up for hearing today, learned counsel for appellant brought to our notice the judgment dated 22.03.2018 passed by the Division Bench of this Court in A.S.Nos.513 to 527 of 2015 and 537 of 2015. The above said appeals were filed before the Division Bench of this Court questioning the acquisition proceedings initiated by appellant for formation of Bye pass Road to NH7 in Vallipuram Village, Namakkal District. By the aforesaid judgment dated 22.03.2018, the Division Bench of this Court, after analysing the materials placed on record, modified the award passed by the Subordinate Judge, Namakkal, from Rs.80/- to Rs.67/- per square feet.

3. By referring to the judgment dated 22.03.2018 passed by the Division Bench of this Court, mentioned supra, learned counsel for appellant as well as learned counsel for land owner/first respondent submitted that appellant as well as first respondent are agreeable for modifying the compensation amount awarded by the Sub Court, Namakkal from Rs.80/- per square feet to Rs.67/- per square feet, as has been held by the Division Bench of this Court in the connected cases mentioned supra.

4. Having regard to the Judgment dated 22.03.2018 passed by the Division Bench of this Court in A.S.Nos.513 to 527 of 2015 and 537 of 2015 in connected matters, modifying the award amount from Rs.80/- to Rs.67/-, we are inclined to modify the Judgment and Decree dated 27.04.2012 made in L.A.O.P.No.1 of 1997 on the file of Subordinate Judge, Namakkal by reducing the compensation amount from Rs.80/- to Rs.67/- per square feet for the acquired lands.

5. Accordingly, the Judgment and Decree dated 27.04.2012 made in L.A.O.P.No.1 of 1997 on the file of Subordinate Judge, Namakkal, is modified by reducing the compensation amount awarded at Rs.80/- per square feet to Rs.67/- per square feet.

The Appeal Suit is disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

gm

To

The Subordinate Judge,
Namakkal.

+1cc to M/s.Sarvabhauman Associates, Advocate SR.No.80619

+1cc to Special Government Pleader (AS)SR.No.80455

A.S.No.65 of 2013

TM(CO)
GMY(05/03/2020)