

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.NO.139 OF 2010

AND

M.P.NO.1 OF 2010

The Special Tahsildar (L.A)

Thoppur 400 K.V.Sub Station Salem

rep.by its Revenue Divisional Officer,
Mettur.

..Appellant/Referring Officer

vs.

- 1.Ponnusami Gounder
- 2.S.P.Ranganathan
- 3.Perumayi
- 4.K.K.Ganesan
- 5.S.Manickam
- 6.T.N.Arunachalam
- 7.R.Venkatachalam (Deceased)
- 8.Periyanna Mudaliar (Deceased)
- 9.Govindan
- 10.Dharmalingam
- 11.Chinnammal
- 12.Kandaswami Gounder
- 13.Ramaswami Gounder
- 14.Marimuthu
- 15.Palaniswami
- 16.Kozhainthaipayan (a) Perumal
- 17.Nachiyappa Gounder
- 18.Ramaswami
- 19.Perumal
- 20.C.Yoganathan
- 21.P.Govindan
- 22.Nachiyappa Gounder
- 23.Palaniyappa Gounder
- 24.Ponaiya Gounder
- 25.Chinna Gounder
- 26.Kittammal
- 27.R.Krishnan
- 28.T.P.Murugesan
- 29.T.P.Thamizhamani
- 30.T.P.Nagarajan
- 31.Radha

32.Senthilkumar
33.Malathi
34.Indira
35.Selvi.Kalaivani

..Respondents/Claimants 1, 2, 4 to 28

R31 to R35 are residing at:
New 10th Ward,
Pethan Nanjappa Mudali Theru,
Tharamangalam Village.

Cause title accepted by accepting RR28 to 30 as legal representatives of the deceased 8th respondent vide order of Court dated 14.12.2009 made in CMP.No.1775/2009.

Cause title accepted by accepting RR31 to 35 as legal representatives of the deceased 7th respondent vide order of Court dated 24.02.2010 made in CMP.No.233/2010

Appeal under Section 54 of the Land Acquisition Act, to set aside the decree passed in LAOP.No:2/99 dated 12th of November 2003 on the file of the Sub-Court, Mettur.

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

For Respondents: Mr.V.Srinivasan
[For R10, 12 to 14 & 26]

Mr.P.Jagadeesan
[For R2 & R5]

Mr.I.Abrar Mohamed Abdulla
[For R6, 27 to 31]

No appearance
[For R9, 16, 19, 20, 32, 33 & 35]

Died - R1, 3, 4, 7, 8, 11,
15, 17, 18, 22 to 25

R21 & R34 - Not ready in notice

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J U D G M E N T

The Appeal is filed to set aside the judgment and decree passed in LAOP.No.2 of 1999 dated 12th November 2003.

2. The respective learned counsels appearing on behalf of the appellant as well as the respondents made a submission that the issues raised in the present First Appeal had already been decided in respect of the other appeals filed in A.S.Nos.858 to 864 of 1997 dated 17.07.2013 and the acquisition proceedings in all these appeals are one and the same.

3. This Court delivered the judgment in A.S.Nos.858 to 864 of 1997 dated 17.07.2013 as under:

"6. Considering the submissions on either side, the following point arises for consideration in these Appeals:-

Whether the enhancement of compensation, awarded by the Reference Court is right or not?

7. It is an admitted fact that the lands, comprised in S.Nos.154/1, 166/1, 166/2, 167, 181/1, 181/2B, 181/3B and 165/2 of Karukkalvadi Village, and S.Nos.1/1, 3/2A, 26/1, 26/2A, 26/3A, 26/6, 22/1, 2, 8, 11A, 28/1, 2, 4, 5 and 28/6 of Alagusamudram Village and 30/2A, 30/1 and 30/2C1 belonged to the claimants/respondents. Though the lands were denoted as 'Manavari Dry Lands' in the Government Records, as per Ex.R.1, considering the evidence of R.W.1, in my opinion, the Reference Court has rightly treated the lands as house sites. The Reference Court also extracted the evidence of R.W.1, in its order and a perusal of the evidence deposed by R.W.1, would make it clear that the acquired lands are abutting the roads and they are having high potential building value and the Reference Court, after considering R.1-Adangal Extract and R.2 and R.3-Sketches has rightly held that the acquired lands are to be treated as housing plots.

8. Further, I do not find any infirmity in the order of the Reference Court by taking into consideration of the sale deed-Ex.C.1, dated 08.06.1984, for arriving at the market value. Though Ex.C.1, is dated 08.06.1984, considering the date of 4(1) Notification, i.e., 30.05.1984,

there is nothing wrong in taking into consideration the sale deed, dated 08.06.1984 in respect of the land, comprised in S.No.139/6 of Karukkalvadi Village, which is also admittedly appurtenant to the acquired lands. Further, the Reference Court, considering the value mentioned in Ex.C.1, reduced the value by giving some deductions towards development and fixed Rs.4/- per sq.ft., It is seen from Ex.C.1, that the sale consideration was fixed at 6.50 per sq.ft., and after making some deduction regarding development, Rs.4/- per sq.ft was fixed by the Reference Court. Hence, I do not find any illegality or perversity in the order passed by the Reference Court in fixing the value of the compensation at Rs.4/- per sq.ft. in respect of the acquired lands.

9. In the result, all the Appeals are dismissed by confirming the common order, dated 12.04.1996, passed by the Principal Sub Court, Salem in L.A.O.P.Nos.15 to 21 of 1992. No costs."

4. In view of the fact that the issues raised in the First Appeal on hand had already been decided by this Court, no further adjudication needs to be entertained with reference to the grounds raised. Consequently, the judgment and decree passed in L.A.O.P.No.2 of 1999 dated 12.11.2003 is confirmed and A.S.No.139 of 2010 stands dismissed. No costs. Thus, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(ADI-MDU)

//True Copy//

Sub Assistant Registrar

Kak

To

The Subordinate Judge,
The Sub-Court, Mettur.

+1cc to Mr.P.Jagadeesan, Advocate in Sr.no.101195
+1cc to Government Pleader, in Sr.no.101103

A.S.No.139 of 2010

RSV(CO)
CS/11/09/2020