

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE M.M. SUNDRESH
AND
THE HONOURABLE MR. JUSTICE C.SARAVANAN

A.S Nos. 522 to 560 of 2010
and

Cross Obj Nos. 46,47,48,82,83,84,49,50,51,85,53,86,87, 88,
52,54,55,56,57,89,31,21,96,90,91,92,22,93,94,95,23,58,32,97,98,
33, 99, 24, & 100 of 2011

The Superintending Engineer (Civil),
Mettur Thermal Power Project,
Tamil Nadu Electricity Board,
Mettur Dam - 636 406

... Appellant in AS.Nos.522,523,524,525,526,527,528,
529,530,531,532,533,534,535,536,537,538,539,540,541,542,543,544,
545,546,547,548,549,550,551,552,553,554,555,556,557,558,559, and
560 of 2010

..1st Respondent in Cross Obj Nos. 46,47,48, 82,83,84,
49,50,51,85,53,86,87,88,52,54,55,56,57,89,31,21,96,90,91,92,22,
93,94,95,23,58,32,97,98,99,24, & 100 of 2011

..2nd Respondent in L.A.OP.Nos.17 of 1985,33 of 1992,10/1994,
12/2008,13/2008,14/2008,15/2008,16/2008,17/2008,18/2008,19/2008,
20/2008,21/2008,22/2008,23/2008,24/2008,25/2008,2/2009,3/2009,4/
2009,5/2009,6/2009,7/2009,8/2009,9/2009,10/2009,11/2009,12/2009,
13/2009,14/2009,25/2009,26/2009,27/2009,28/2009,29/2009,30/2009,
31/2009,32/2009, and 33/2009.

Vs.

1 P.ARUMUGAMRESPONDENT in AS No.522 of 2010
/Cross Appellants in Cross Objection NO.46/2011
/Claimant(s) in LAOPs.17 of 1985

1 KUBENDRAN

2 NAGAMMAL

3 MANGAYARTHILAGAM

4 PERIAMMAL

5 BAKKIAM

6 MARIAPPAN ... RESPONDENTS in AS No.523 of 2010/Cross
Appellants 1 TO 6 Cross Objection NO.47/2011
/Claimant(s) in LAOPs.33 of 1992

1 ARUMUGAM DIED

2 VENKATHAMMAL

3 SUGUMARAN

4 SUNDARI ... RESPONDENT in AS No.524 of 2010
/Cross Appellants Cross Objection
NO.48/2011
/Claimant(s) in LAOPs.10 of 1994

1 CHINNAPPAN

2 VELLAIAPPAN DIED
S/O PONNUSAMY

3 MARIMUTHU

4 PERUMAL DIED

5 ELUMALAI DIED

6 ELUMALAI

7 NAGAMMAL

8 PERIA IRUSI

9 KANDAPPAN

10 CHINNALAKSHMI

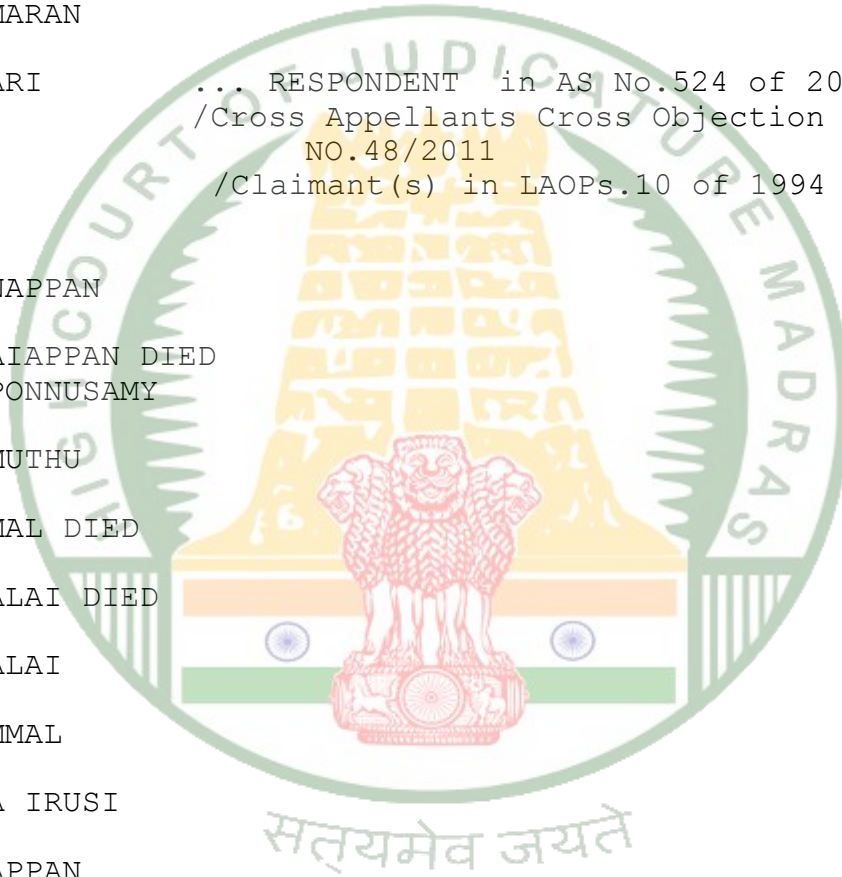
11 PACHAIAMMAL

12 ALAMELU

13 MARIMUTHU

14 SEVATHAL

15 MADHAMMAL



WEB COPY

16 PALANISAMI ... RESPONDENTS in AS No.525 of 2010
/Cross Appellants Cross Objection
NO.82/2011
/Claimant(s) in LAOPs.12 of 2008

1 SENGODAN (DIED)

2 DURAIYAN

3 CHINNAMMAL

4 PALANISAMI

5 ARUMUGAM

6 ANNADURAI

7 MARAKKAL

8 KALIAMMAL ... RESPONDENTS 1 TO 8 in AS No.526 of 2010/
/Cross Appellants Cross Objection
NO.83/2011
/Claimant(s) in LAOP.13 of 2008

1 ANNAMALAI

2 KANDASAMY (DIED)

3 PONNUSAMY (DIED)

4 PONNAMMAL (DIED)

5 THANGAMMAL

6 TAMILARASAN

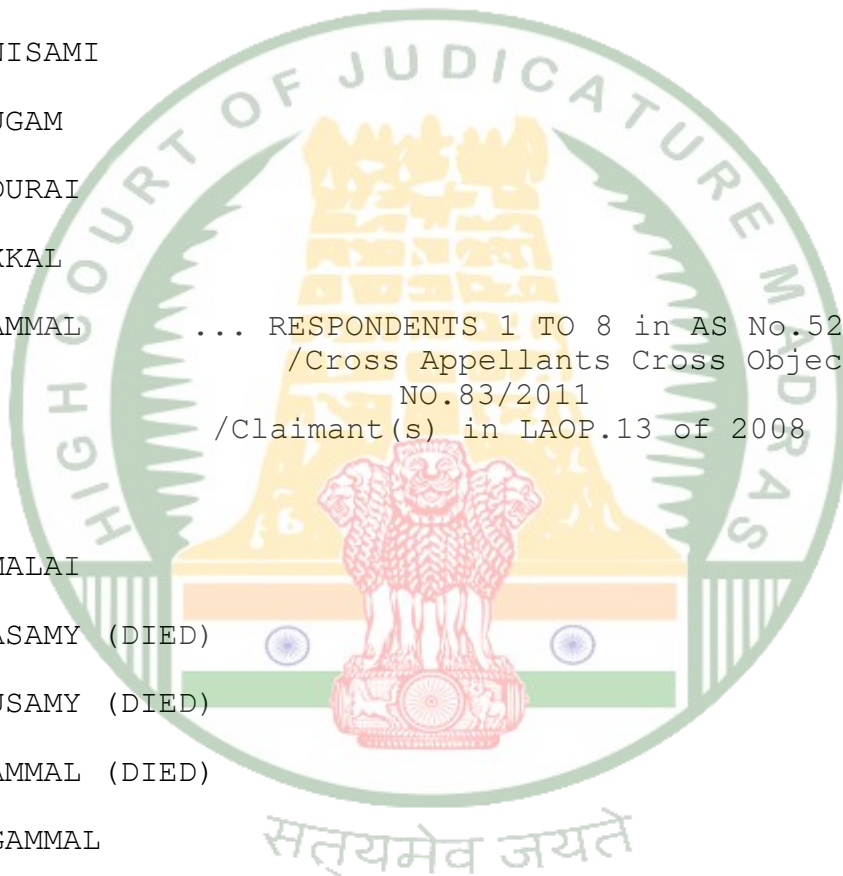
7 VIJAYA

8 ASAITHAMBI

9 KANNAGI

10 THENNARASAN

11 CHINNARASAN



WEB COPY

12 MEKKIA GOUNDER

13 PACHAMUTHU

14 PALANIAPPAN

15 MANICKAM

16 PACHIAMMAL

17 PERUMAYEE

18 CHINNAKANNU

19 PAVAYEE

20 PALANI

21 PALANIAMMAL

22 MURUGESAN

... RESPONDENTS in AS No.527 of 2010
/Cross Appellants Cross Objection
NO.84/2011
/Claimant(s) in LAOPs.14 of 2008

1 SIDHAMMAL ... RESPONDENT in AS No.528 of 2010
/Cross Appellants Cross Objection
NO.49/2011
/Claimant(s) in LAOP.15 of 2008

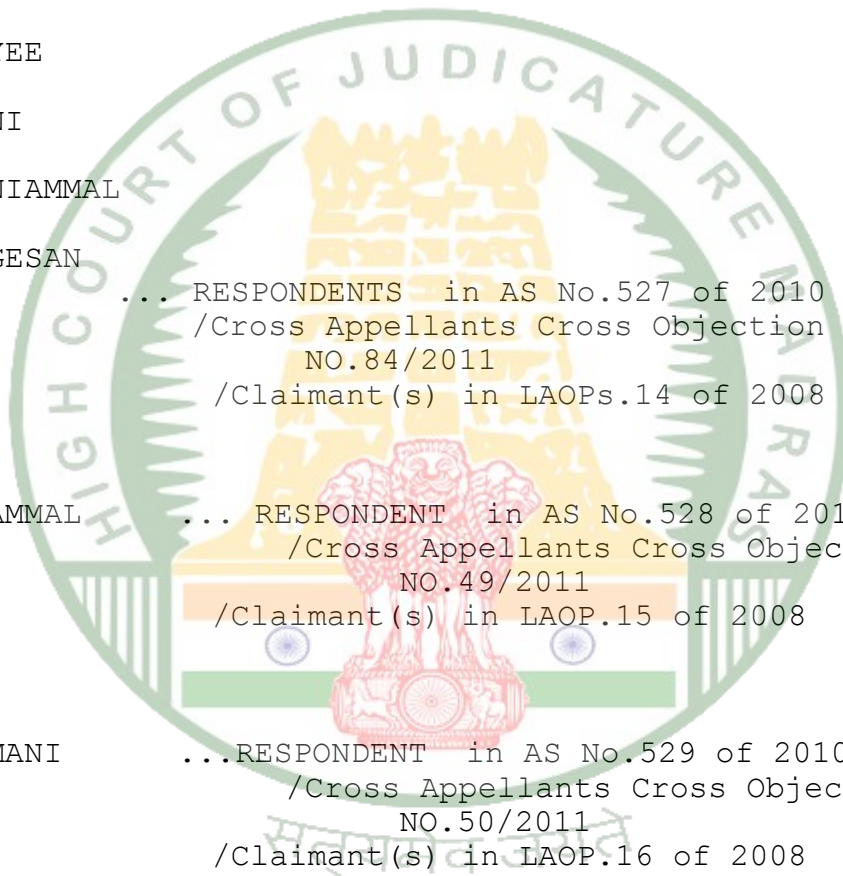
1 RAJAMANI ...RESPONDENT in AS No.529 of 2010
/Cross Appellants Cross Objection
NO.50/2011
/Claimant(s) in LAOP.16 of 2008

1 CHINNATHAMBI

2 KOLANDA GOUNDER

3 PALANI

4 VELLAIAPPAN ... RESPONDENTS in AS No.530 of 2010
/Cross Appellants Cross Objection
NO.51/2011
/Claimant(s) in LAOP.17 of 2008



WEB COPY

1 CHINNATHAMBI

2 KOLANDA GOUNDER

3 PALANI

4 VELLAIAPPAN

5 ANANDHA GOUNDER

6 CHINNAPAIYAN

7 CHELLAPPAN GOUNDER (DIED)

8 PALANIAMMAL

9 ANANDAYEE

10 PALANISAMI

11 KUMAR

12 MOHAN

13 MAHESWARI

14 AMUDHA

15 KAMALA

16 MALLIGA

17 PALANIAMMAL

18 BODHAMMAL

19 ANANDHAYEE

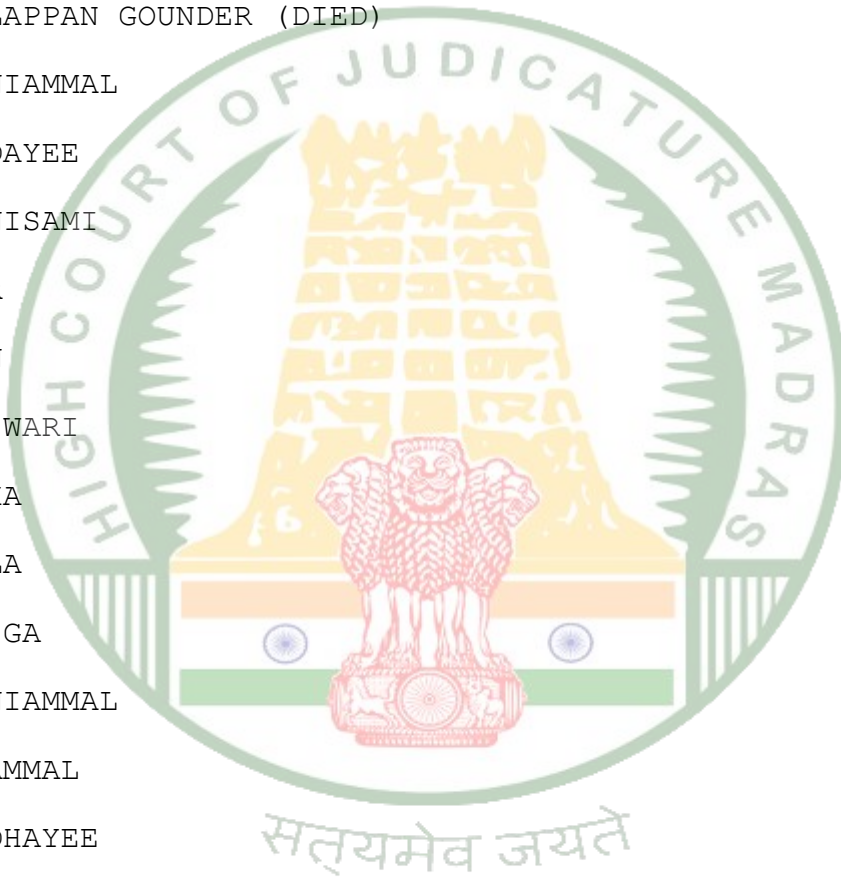
20 PALANIAMMAL

21 SELLAPPAN

22 KRISHNAN

23 SUNDARMMAL

... RESPONDENTS 1 TO 23 in AS No.531 of 2010
/Cross Appellants Cross Objection
NO.85/2011
/Claimant(s) in LAOP.18 of 2008



WEB COPY

1 GENGAMMAL (DIED)

2 PAPPAKKAL

3 GOVINDARAJU ... RESPONDENTS 1 TO 3 in AS No.532 of 2010
/Cross Appellants Cross Objection
NO.53/2011
/Claimant(s) in LAOP.19 of 2008

1 SELLAPPAN GOUNDER (DIED)

2 CHINNA IRUSA GOUNDER

3 VAIYAPURI (DIED)

4 PALANIAMMAL

5 SELLAPPAN

6 KRISHNAN

7 SUYNDARAMMAL

8 VELLAYAN

9 SELVAM

10 MANI RESPONDENTS 1 TO 10 in AS No.533 of 2010
/Cross Appellants Cross Objection
NO.86/2011
/Claimant(s) in LAOP.20 of 2008

1 GURUVAYEE (DIED)

2 MARIAMMAL

3 SADAYAN ALIAS VEDIAPPAN

4 NAGAPPAN

5 CHINNAVEDI

6 MADHAMMAL

7 CHINNAPAIYAN ALIAS

8 VEDAPPAN

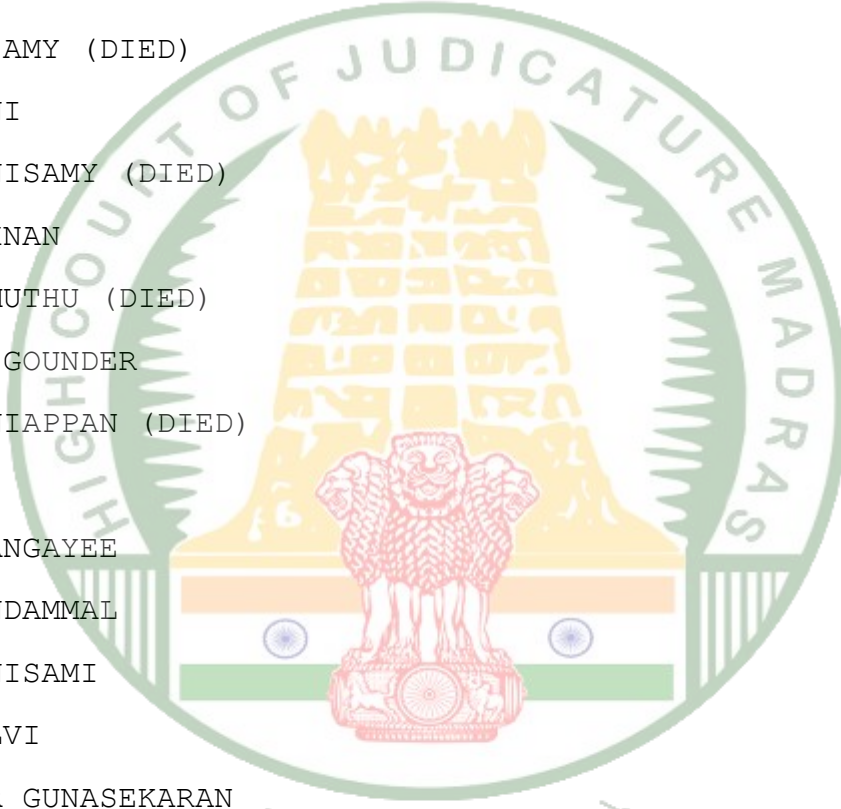
9 PERIASAMI

10 NAGAMALLI
11 PALANIAMMAL
12 VEDIAMMAL
13 THANVAVEL
14 DHANALAKSHMI

... RESPONDENTS 1 TO 14 in AS No.534 of 2010
/Cross Appellants Cross Objection
NO.87/2011
/Claimant(s) in LAOP.21 of 2008

1 RAMASAMY (DIED)
2 PALANI
3 PALANISAMY (DIED)
4 KRISHNAN
5 MARIMUTHU (DIED)
6 ANAI GOUNDER
7 PALANIAPPAN (DIED)
8 SELVI
9 SEERANGAYEE
10 GOVINDAMMAL
11 PALANISAMI
12 N.SELVI
13 MINOR GUNASEKARAN
(Rep.By his Mother N.Selvi)

14 MANIAMMAL
15 PANJALI
16 PALANIAMMAL
17 IRUSAMMAL
18 MARAKKAL
19 THANVAVEL
20 IRUSA GOUNDER



WEB COPY

... RESPONDENTS 1 TO 20 in AS No.535 of 2010
/Cross Appellants Cross Objection
NO.88/2011
/Claimant(s) in LAOP.22 of 2008

1 NALLUIRUSIAMMAL (DIED)

2 CHINNAVADI

3 PERIYAVEDI

4 NAGAPPAN

5 MADHAMMAL

... RESPONDENTS 1 TO 5 in AS No.536 of 2010
/Cross Appellants Cross Objection
NO.52/2011
/Claimant(s) in LAOP.23 of 2008

1 ANANDHA GOUNDER (DIED)

2 CHENNIAPPAN (DIED)

3 CHINNAPILLAI @ KUNJAMMAL

4 GOVINDAMMAL

5 SEERANGAMMAL

6 SEERANGAN

7 CHINNAPONNU

8 ARUMUGAM

9 PALANIAMMAL

10 GOVINDAMMAL

11 KALIAPPAN ... RESPONDENTS 1 TO 11 in AS No.537 of 2010
/Cross Appellants Cross Objection
NO.54/2011
/Claimant(s) in LAOP.24 of 2008

1 ARUMUGAM (DIED)

2 SENGODAN (DIED)

3 PERIA IRUSI

4 PALANISAMI
5 SITHAN
6 SUBRAMANIAN
7 ALLIMUTHU
8 POOVAYEE
9 PALANIAMMAL
10 DEVAKI
11 ELAMVAZUTHI
12 ANBUMANI
13 SELVI
14 NALLAMMAL

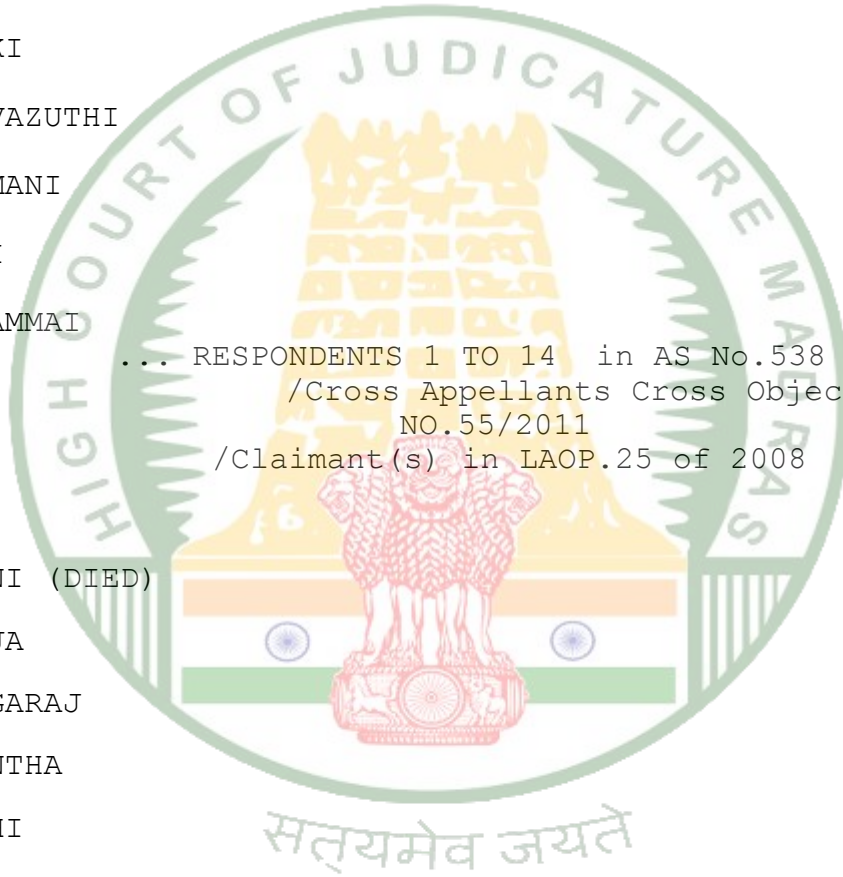
... RESPONDENTS 1 TO 14 in AS No.538 of 2010
/Cross Appellants Cross Objection
NO.55/2011
/Claimant(s) in LAOP.25 of 2008

1 PALANI (DIED)
2 SAROJA
3 KANAGARAJ
4 VASANTHA
5 SANTHI
6 PAPPATHI

... RESPONDENTS 1 TO 6 in AS No.539 of 2010
/Cross Appellants Cross Objection
NO.56/2011/Claimant(s) in LAOP.2 of 2009

1 PERUMAL ... RESPONDENT in AS No.540 of 2010
/Cross Appellants Cross Objection
NO.57/2011
/Claimant(s) in LAOP.03 of 2009

1 KAVERI



2 MADHAIYAN (DIED)

3 ARUMUGAM

4 MUNIAMMAL

5 PERIASAMI

6 PALANIAPPAN

7 SELVAM

8 GANESAN

10 CHINNAMMAL

11 CHITHIANNAN

... RESPONDENTS 1 TO 8,10 & 11 in AS No.541 of 2010
/Cross Appellants Cross Objection
NO.89/2011
/Claimant(s) in LAOP.4 of 2009

RR10 & 11 brought on record as LRS
of the deceased R2 vide order of the
Court dated 15.04.2019 made in
CMP.NOS.9289,9295,9298/19 in AS.541/10

1 RAMASAMI

2 KRISHNAN

3 AMMASI (DIED)

4 KANDASAMI

5 MARIAPPAN

6 ARUMUGAM

7 ALAMELU

8 MINISHI

9 CHINNAMAYILI

...RESPONDENTS 1 TO 9 in AS No.542 of 2010
/Cross Appellants Cross Objection
NO.31/2011
/Claimant(s) in LAOP.05 of 2009

1 KARUPPANNA (DIED)

2 CHANDRA

3 SARASU

4 SHANMUGAM

5 RAMALINGAM

6 POONGODI ...RESPONDENTS 1 TO 6 in AS No.543 of 2010
/Cross Appellants Cross Objection
NO.21/2011
/Claimant(s) in LAOP.6 of 2009

1 KOMARAYYE (DIED)

2 THE LAND ACQUISITION OFFICER
AND SPECIAL TAHSILDAR LA METTUR THERMAL
POWER PROJECT METTUR DAM NOW REPTD BY SUB
COLLECTOR METTUR DAM

3 KANDAMMAL

4 MUTHU

5 APPUSAMY

6 NACHIAPPAN

(Respondents 3 to 6 as LR of the deceased
1st Respondent order dated 16.04.2019 in CMP.No.9068 of 2019)
...LR'S of the 1st RESPONDENT in AS No.544 of
2010 and 545 of 2010
/Cross Appellants Cross Objection
NO.96/2011 and 90 of 2011
/Claimant(s) in LAOPs.7 and 8 of 2009

1 MADHUPILLAI @ MADAMMAL

2 PACHIAMMAL (DIED)

3 THE LAND ACQUISITION OFFICER
AND SPECIAL TAHSILDAR LA METTUR THERMAL
POWER PROJECT METTUR DAM NOW REPTD BY SUB

COLLECTOR METTUR DAM

4 PAVUNAMBAL ...1st RESPONDENT & LR of the 2nd Respondent
in AS No.546 of 2010
/1st Cross Appellants and 3rd Cross
Objection NO.91/2011
/Claimant(s) in LAOP.09 of 2009
(LRs of 2nd Respondent by its
order dated:16.04.2019 in
CMP.NO.9086/2019 and 9083/2019)

1 PONNUSANI

2 KRISHNAN

...1st and 2nd RESPONDENTS in AS No.547 of 2010
/Cross Appellants Cross Objection
NO.92/2011
/Claimant(s) in LAOP.10 of 2009

1 TH.AYYANDURAI ...AS No.548 of 2010
/Cross Appellants Cross Objection
NO.22/2011
/Claimant(s) in LAOP.11 of 2009

1 TH.ANGAMUTHU ...AS No.549 of 2010
/Cross Appellants Cross Objection
NO.93/2011
/Claimant(s) in LAOP.12 of 2009

KALIAMMAL (DIED)

PALANISAMY (DIED)

PERUMAL DIED

CHINNAPPAN

RAJU

RAJATHI

SANTHI

CHINNAMANI

THE LAND ACQUISITION OFFICER
AND SPECIAL TAHSILDAR LA METTUR THERMAL
POWER PROJECT METTUR DAM NOW REPTD BY SUB
COLLECTOR METTUR DAM

CHINNAPPAN

CHINNATHAYEE

PANCHALLEE

RAJU

PAKKIYAM(for LR R1 &2)

SAROJA(for LR R1 &2)

KARUPPANNAN(for R1 &2)

VIJAYA(for R1 &2)

ELUMALAI(for R1 &2)

RAJATHI

SANTHI

CHINNAMANI

(Respondents 1 TO 21 Lrs of the
1st Respondent vide order dated 16.04.2019
in CMP.No.9057/2019)

(Respondents 14 TO 18 Lrs of the
2nd Respondent vide order dated 16.04.2019
in CMP.No.9071/2019)

...RESPONDENTS 1 TO 8,10 to 21 in AS No.550 of 2010
/Cross Appellants Cross Objection

NO.94/2011
/Claimant(s) in LAOP.13 of 2009

1 KALIAPPAN(DIED)

2 THE LAND ACQUISITION OFFICER
AND SPECIAL TAHSILDAR LA METTUR THERMAL
POWER PROJECT METTUR DAM NOW REPTD BY SUB
COLLECTOR METTUR DAM

3 KALIAMMAL

4 TAMILARASAN

5 SELVI

6 KALA

(Respondents 3 to 6 LRs of the 1st Respondent vide order dated 16.04.2019 in CMP.NO.9056/2019)

...RESPONDENTS 3 TO 6 in AS No.551 of 2010

/Cross Appellants Cross Objection

NO.95/2011

/Claimant(s) in LAOP.14 of 2009

1 K.RAJU REDDY (DIED)

2 THE LAND ACQUISITION OFFICER
AND SPECIAL TAHSILDAR (LA) METTUR THERMAL
POWER PROJECT METTUR DAM NOW REP. BY SUB-
COLLECTOR METTUR DAM.

3 RAJENDRAN

4 SELVARAJ

5 THANGAM

6 RAVICHANDRAN

...RESPONDENTS 3 TO 6 in AS No.552 of 2010

/Cross Appellants Cross Objection

NO.23/2011

/Claimant(s) in LAOP.25 of 2009

(Respondents 3 to 6 LRs of the 1st Respondent vide order dated 16.04.2019 in CMP.NO.9067/2019)

S.RAJAMANI ...RESPONDENT in AS No.553 of 2010

/Cross Appellants Cross Objection

NO.58/2011

/Claimant(s) in LAOP.26 of 2009

1 C.PALANIAPPAN (DIED)

2 THE LAND ACQUISITION OFFICER
AND SPECIAL TAHSILDAR (LA) METTUR THERMAL
POWER PROJECT METTUR DAM NOW REP. BY SUB-
COLLECTOR METTUR DAM.

3 SELVI
4 VALARMATHI
5 MOHANAPRIYA
6 SELVAN KAVINRAJ

...RESPONDENTS 3 TO 6 in AS No.554 of 2010
/Cross Appellants Cross Objection
NO.32/2011
/Claimant(s) in LAOP.27 of 2009

(Respondents 3 to 6 LRs of the 1st Respondent vide order dated
16.04.2019 in CMP.NO.9064/2019)

1 MADHAIYAN
2 LAKSHMI
3 CHINNAMMAL
4 MUTHAMMAL
5 SUNDARAMMAL

...RESPONDENTS 1 TO 5 in AS No.555 of 2010
/Cross Appellants Cross Objection
NO.97/2011
/Claimant(s) in LAOP.28 of 2009

1 KULANDAISAMI
2 SEERANGAM
3 AHANDHAYEE

...RESPONDENTS 1 TO 3 in AS No.556 of 2010
/Cross Appellants Cross Objection
NO.98/2011
/Claimant(s) in LAOP.29 of 2009

1 MAVIRUSAN (DECEASED)
2 PARAMANANDHAM
3 KUPPAYEE
4 THE LAND ACQUISITION OFFICER

AND SPECIAL TAHSILDAR (LA) METTUR THERMAL
POWER PROJECT METTUR DAM NOW REP. BY SUB-
COLLECTOR METTUR DAM.

5 GANESH

6 THANGAMANI

7 VASANTHA

8 TAMILSELVI

9 MANIKANDAN

10 CHANDRAN

11 SIVAKUMAR

...RESPONDENTS 1 TO 3 & 5 to 11 in AS No.557 of 2010
/Cross Appellants Cross Objection
NO.33/2011
/Claimant(s) in LAOP.30 of 2009

(Respondents 5 to 11 brought on record as
LRs of the deceased R1 vide order
dated 15.04.2019 in CMP.NO.9413/2019)

1 MANICKAM

2 NALLAMMAL

3 VALARMATHI

4 KANIMOZHI

5 PRABAKARAN

...RESPONDENTS 1 TO 5 in AS No.558 of 2010
/Cross Appellants Cross Objection
NO.99/2011
/Claimant(s) in LAOP.31 of 2009

1 VARADHARAJU

2 NAGAMMAL

3 GOVINDARAJAN

4 SARASWATHI

WEB COPY

5 TMT.MANI

6 SAROJA

7 RENUKA ...RESPONDENTS 1 TO 7 in AS No.559 of 2010
/Cross Appellants Cross Objection
NO.24/2011
/Claimant(s) in LAOP.32 of 2009

1 TH VASUDEVAN

2 TH K.G.MANI

3 SENTHAMARAI

4 KARTHIGA

5 MINOR KALAIVANI

6 MINOR KANNAN
(MINOR REP. BY
GUARDIAN MOTHER SENTHAMARAI)

...RESPONDENTS 1 TO 6 in AS No.560 of 2010
/Cross Appellants Cross Objection
NO.100/2011
/Claimant(s) in LAOP.33 of 2009

The Land Acquisition Officer and Special Tashildar(L.A.)
Mettur Thermal Power Project,
Mettur Dam now rep. By Sub-Collector,
Mettur Dam. ... Respondents

..2nd Respondent in AS.No.522,
7th Respondent in AS.No.523,
5th Respondent in AS.No.524,
17th Respondent in AS.No.525,
9th Respondent in AS.No.526,
23rd Respondent in AS.No.527,
2nd Respondent in AS.No.528,
2nd Respondent in AS.No.529,
5th Respondent in AS.No.530,
24th Respondent in AS.No.531,
4th Respondent in AS.No.532,
11th Respondent in AS.No.533,
15th Respondent in AS.No.534,
21st Respondent in AS.No.535,

6th Respondent in AS.No.536,
12th Respondent in AS.No.537,
15th Respondent in AS.No.538,
7th Respondent in AS.No.539,
2nd Respondent in AS.No.540,
9th Respondent in AS.No.541,
10th Respondent in AS.No.542,
7th Respondent in AS.No.543,
2nd Respondent in AS.NO.544,
2nd Respondent in AS.NO.545,
3rd Respondent in AS.NO.546,
3rd Respondent in AS.NO.547,
2nd Respondent in AS.NO.548,
2nd Respondent in AS.NO.549,
9th Respondent in AS.NO.550,
2nd Respondent in AS.NO.551,
2nd Respondent in AS.NO.552,
2nd Respondent in AS.NO.553,
2nd Respondent in AS.NO.554,
6th Respondent in AS.NO.555,
4th Respondent in AS.NO.556,
4th Respondent in AS.NO.557,
6th Respondent in AS.NO.558,
8th Respondent in AS.NO.559,
and 7th Respondent in AS.NO.560 of 2010

/

2nd Respondent in cross Appeals
Nos.46,47,48,82,,83,84,49 ,50,51,85,
53,86,87,88,52,54,55,56,57,89,31,21,96,
90,91,92,22,93,94,95,23,58,32,97,98,33,
99,24, and 100/2011.

/

..1st Respondent in LAOPs.17 of
1985,33/92,10/1994,12/2008,13/2008,14/2
008,15/2008,16/2008, 17/2008,18/2008,
19/2008,20/2008,21/2008,22/2008,23/2008
,24/2008,25/2008,2/2009,3/2009,4/2009,5
/2009,6/2009,7/2009,8/2009,9/2009,10/20
09,11/2009,12/2009,13/2009,14/2009,
25/2009/26/2009,27/2009,28/2009,29/2009
,30/2009,31/2009,32/2009, and 33/2009.

Prayer: AS.NOs.522,523,524,525,526,527,528, 529,530,531,
532,533,534,535,536,537,538,539,540,541,542,543,544,545,546,547,
548,549,550,551,552,553,554,555,556,557,558,559, and 560 of 2010
appeal against the judgment and decree dated 11.12.2009 made in
LAOP.NOs.17 of 1985,33 of 1992,10/1994, 12/2008,13/2008,
14/2008,15/2008,16/2008,17/2008,18/2008,19/2008,20/2008,21/2008,
22/2008,23/2008,24/2008,25/2008,2/2009,3/2009,4/2009,5/2009,6/20

09,7/2009,8/2009,9/2009,10/2009,11/2009,12/2009,13/2009,14/2009,
25/2009,26/2009,27/2009,28/2009,29/2009,30/2009,31/2009,32/2009,
and 33/2009 on the file of the First Additional Subordinate
Judge,Salem.

Cross Appeal Nos. 46,47,48,82,83,84,49,50,51,85,53,86,87, 88,
52,54,55,56,57,89,31,21,96,90,91,92,22,93,94,95,23,58,32,97,98,
33, 99, 24, & 100 of 2011.

Cross Appellants Prays to dismiss the appeal filed by the
Appellant and allow the cross Appeal fixed by the cross
Appellant(s)/ Respondent(s) and fix the compensation for the
Land at Rs.40,000/- per acre with attend statutory benefits and
interest.

For Appellant in all Appeals : Mr.P.H. Aravind Pandian,
and R1 in all Cross Addl. Adv General
Objections Asst.by
Mr.V.Viswanathan
and Mr.N.Muthuswani



WEB COPY

For Cross objectors : Mr.P.Jagadeesan
(in all Cross Objections)
and 1st respondent in
A.S.Nos.522,
526,528,529,540,545,548,551,
554
for R1 to R6 in AS 523/10
for R2 to R4 in AS 524/10
for R1,R3,R6 to R16 in AS
525/10
for R1, R5 to R22 in AS
528/10
for R1 to R4 in AS 530/10
for R1 to R4,R6,R8,R10 to
R23 in AS 531/10
for R2 & R3 in AS 532/10 &
557/10
for R2, R4 to R10 in AS
533/10
for R2,R4,R6,R8 to R14, R16
to R20 in AS 535/10
for R2 to R5 in AS 536/10
for R3 to R11 in AS 537/10
for R4 to R14 in AS 538/10
for R2 to R6 in AS 539/10,
543/10
for R1,R2,R4 to R8 in AS
541/10
for R1,R2,R4 to R9 in AS
542/10
for R1 & R2 in AS 546/10
for R1,R2,R4 to R8 in AS
550/10
for R1 to R5 in AS 555/10
for R1 to R3 in AS 556/10
for R1,R3 to R5 in AS 558/10
for R1 to R7 in AS 559/10

WEB COPY

For R2 in AS Nos. : Mr.Bala Gopal,
522,528,529,540,544,545,548, Special Govt. Pleader
549,551/10,552,553,&554/2010
for R7 in AS
523,539,543,560/10
for R5 in AS 524,530/ 10
for R17 in AS 525/10
for R23 in AS 527/10
for R4 in AS 532,556,557/10
for R11 in AS 533/10
for R15 in AS 534,538/10
for R21 in AS 535/10
for R6 in AS 535,555,558/10
for R12 in AS 537/10
for R9 in AS 541,550/10
for R10 in AS 542/10
for R3 in AS 546,547/10
for R8 in AS 559/10, and
For R2 in all Cross
Objections

R2, R4 & R5 : Died
in AS No.525/10

R1 in AS : Died
No.532,534,536,539,543/10

R1 & R3 in AS 533/10 : Died

R13 in AS 535/10 : Died

R1 & R2 in AS 537/10 : Died

R1 to R3 in AS 538/10 : Died

R3 in AS 541,542,550/10 : Died

For R5,R7,R9,R24 in AS No : Not ready notice
531/10

For other respondents in AS : No appearance
Nos. 534,547,549,560/10

COMMON JUDGMENT
(Delivered by M.M.Sundresh,J.)

As all these cases are emanating from the same common award passed by the Reference Court placing reliance upon the very same data sale deeds, both the appeals and the cross-objections are taken up together and disposed of by a common judgment as well.

FACTUAL MATRIX:

2. Acquisitions have been made through the issuance of notification under Section 4(1) of the Land Acquisition Act starting from 01.06.1983 to 24.09.1987 for the purpose of Mettur Thermal Power Project. The awards have been passed in the year 1985 to 1988.

3. The Land Acquisition Officer classified the lands into three different groups, namely, irrigated dry; manavari dry; hillock and gravel. Accordingly, a sum of RS.20,000/- per acre for irrigated dry lands; Rs.9,000/-, Rs.8,500/- with the minimum at Rs.4,000/- per acre for manavari dry lands; and Rs.4,000/- per acre for hillock and gravel land were fixed for the said three categories of land. Not satisfied over the same, the respondents/land owners sought for reference claiming Rs.1,00,000/- per acre, Rs.25,000/- each for the change of residence and Rs.20,000/- for the change of place of avocation.

4. The Reference Court took into consideration Ex.R47 and Exs. C1 to C4 while awarding a sum of Rs.30,000/- per acre uniformly to all the lands. Incidentally, a sum of Rs.10,000/- was awarded to 52 persons, who were living in their lands and displaced. The Reference Court was pleased to observe that inasmuch as the Land Acquisition Officer himself has relied upon Ex.R47, which has fixed value at Rs.20,000/- per acre, and the said document having been registered prior to notification, a further enhancement can be made to Rs.30,000/- per acre. Reliance was also placed on Exs.C1 to C4 by the Reference Court. Though the amount mentioned thereunder was higher, these lands being of similar extent and approved, deduction was made for about fifty per cent towards the development charges. Challenging the above, the present appeals are filed by the Mettur Thermal Power Station, while the land owners filed cross objections seeking enhancement of compensation to Rs.40,000/- per acre placing reliance upon the very same documents, namely, Exs. C1 to C4.

CONTENTIONS:

5. The learned Additional Advocate General appearing on behalf of the appellant has submitted that the classification made by the Land Acquisition Officer cannot be found fault with as the lands were agricultural lands. The data sale deed relied upon by the appellant was said to have been accepted. The lands involved under Ex.C1 and Ex. C3 are far away. Under Ex.C4, though land owners are granted Rs.20,000/-, the same will not be binding on this Court. The land owners were also given the benefits under the various schemes, like awarding of Rs.10,000/- for the persons who have been displaced, which cannot be sustained. Therefore, the award passed by the Reference Court would require interference.

6. The learned counsel appearing for the respondents would submit that the present cases involve awards that have been passed from 1985 to 1988. Ex.C4 deals only with the awards of the year 1985. In any case, the aforesaid awards having been passed by the Reference Court, this Court can always enhance it as against the award passed under Ex.C4. Appeals were also filed by the appellants against those awards out of which four appeals were dismissed at the time of condonation of delay itself. The Land Acquisition Officer took into consideration the beneficial value of the lands. The classification has not been made on factual basis, but based upon the revenue records which cannot be sustained in the eye of law.

7. The Reference Court having relied upon Exs.C1 to C4 ought to have enhanced the amount of compensation to Rs.40,000/-. It is not as if all the claimants were paid Rs.10,000/- extra, but only those who have been displaced having residence were given the said amount. Therefore, the cross-objections will have to be allowed and the appeals will have to be dismissed.

DISCUSSION:

8. On the potential value of the lands, the Reference Court has held that the records would suggest value is being increased over the years. Therefore, we cannot treat these lands completely as agricultural lands. The data sale deeds relied upon by the appellant themselves indicate value at Rs.20,000/-. This data sale deed under Ex.R47 was registered much prior to the execution proceedings. Therefore, we do not find any error in the reasoning adopted by the Reference Court that some more amounts will have to be added to the value involved in Ex.R47, especially when the said value is on the increase.

9. The Reference Court rightly relied upon Exs.C1 to C3. When the sale deeds produced show higher amount, inter alia, the same will have to be taken into consideration. However, we find that the Reference Court having accepted Exs.C1 to C3 ought to have granted higher amount than the one asked for. Certainly, the lands mentioned thereunder are similar in nature, apart from being developed. Therefore, development charges will have to be deducted. The deduction of the development charges depends on the various factors. In the case on hand, the Reference Court did not take into consideration the higher value, but merely took into consideration Ex.R47, the document having lesser value. In the case of cross-objections, a sum of Rs.40,000/- atleast ought to have been paid.

10. We find considerable force in the submission made by the counsel appearing on behalf of the land owners. There is nothing on record to suggest that the data sale deeds relied under Exs.C1 to C3 have got no connection with the acquired lands. May be the place will be little far away from the acquired lands. After all, we are dealing with a case where the cross-objectors are seeking only a sum of Rs.40,000/- per acre. The classification made by the Land Acquisition Officer, in our considered view, cannot be sustained. As rightly held by the Reference Court, the Land Acquisition Officer by fixing the valuation has not made personal inspection of the lands. It is not as if the lands were not irrigated at all. They have been irrigated with wells and tanks, apart from digging water from the nearby streams. There is no contra material to controvert the findings rendered by the Reference Court in this regard.

11. Much reliance has been made on Ex.C4. Ex.C4 also involves the award passed in the year 1985. In the aforesaid award, which is the subject matter of Ex.C4, a sum of Rs.30,000/- has been fixed per acre while rejecting the contention of the appellants on the basis of classification based upon revenue records. We also hold that any classification based upon revenue records per se cannot be accepted. Thus, we are inclined to enhance the amount to Rs.40,000/- per acre by allowing the cross-objections by taking into consideration Exs.C1 to C3 also. In such view of the matter, we are of the view that Ex.C4 being an award passed by the Reference Court will not stand in the way of awarding enhanced compensation. After all, the land owners seek only Rs.10,000/- more than what has been granted by the Reference Court as against the claim sought for.

12. Similarly on the question of awarding Rs.10,000/- to the land owners for change of residence also cannot be interfered with. On facts, there is no dispute that 52 persons have been displaced due to the present acquisition proceedings. What has been awarded is only Rs.10,000/- which, in our considered view, is reasonable. Therefore, the award passed, barring the rate fixed, along with the other findings in this regard is not liable to be interfered with.

13. In such view of the matter, all the appeals are dismissed and the cross-objections stand allowed. The appellant is directed to deposit the remaining amount within a period of eight weeks from the date of receipt of a copy of this judgment. No costs. Consequently connected M.P.No 1 of 2010 (39 petitions) are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

ssm
To:

- 1.The I Additional Subordinate Judge,
Salem.
- 2.The Land Acquisition Officer and Special Tashildar(L.A.)
Mettur Thermal Power Project,
Mettur Dam now rep. By Sub-Collector,
Mettur Dam.
- 3.The Superintending Engineer (Civil),
Mettur Thermal Power Project,
Tamil Nadu Electricity Board,
Mettur Dam - 636 406

+1cc to Mr.P.Jagadeesan, Advocate SR.No. 37481
+1cc to Mr.V.Viswanathan , Advocate SR.No. 37620

A.S Nos. 522 to 560 of 2010
and

Cross Obj Nos. 21 to 24,
31 to 33, 47 to 58, 82 to 100 of 2011

SAI Co
A.SK(02.02.2021) .