

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-12-2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

A.S.No.821 of 2010

And

M.P.No.1 of 2010

The Special Tahsildar,
L.A.4, TACID,
Cuddalore,
Now Revenue Divisional Officer,
Cuddalore. ... Appellant/Referring Officer

vs.

Venkatachalam Naidu ... Respondent/Claimant

First Appeal is filed under Section 54 of the Land Acquisition Act, against the judgment and decree dated 16.12.2006 made in LAOP No.44 of 2001 on the file of the learned Principal Sub Judge, Cuddalore.

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

For Respondent : No Appearance

J U D G M E N T

The Appeal Suit on hand is filed by the appellant against the judgment and decree dated 16.12.2006 passed by the learned Principal Sub Judge, Cuddalore in LAOP No.44 of 2001.

2. With reference to the very same acquisition proceedings against the order passed on the same date, in a batch of LAOPs on 16.12.2006 in LAOP No.46 of 2001, A.S.No.892 of 2010 was filed and the said Appeal Suit was disposed of by this Court on 18.02.2014, wherein the following orders were passed:-

"6. From a perusal of the records, it is seen that R.W.1, Revenue Divisional Officer himself admitted that the lands acquired are situate at Andarmullipallam

Village, which is 6.25 Kms. away from Cuddalore and 25 Kms. away from Chidambaram. He also admitted that it is just 2 Kms. away from the sea and the lands are acquired for the promotion of industrial corporations at Tamil Nadu and for natural infrastructure development. Ex.C.1, G.O. shows that the lands referred to therein were also acquired for industrial purposes and the reason for acquiring them is the proximity of lands to the National Highways and Railway lines. It is also pertinent to note that the said G.O. is dated 30.6.1997 whereas the date of 4 (1) Notification is 28.12.1998. Therefore, based on the above evidence, the Reference Court had fixed the compensation at Rs.2000/- per cent, ie., Rs.10,000/- in total. In view of the said factual position, this Court finds no reason to interfere with the well considered order of the Reference Court made in L.A.O.P. No.46 of 2001 as the amount awarded itself is very meagre. In the result, the First Appeal fails and the same is dismissed confirming the order dated 16.12.2006 passed by the Principal Subordinate Judge, Cuddalore in L.A.O.P. No. 46 of 2001. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed."

3. In view of the fact that the issue has already been settled and the order passed in the said LAOP was confirmed, this Court is of an opinion that the present Appeal Suit is also to be dismissed. Consequently, the judgment and decree passed by the learned Principal Sub Judge, Cuddalore in LAOP No.44 of 2001 dated 16.12.2006 is confirmed and accordingly, the present Appeal Suit stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Principal Sub Judge,
Principal Sub Court,
Cuddalore.

2.The Section Officer,
VR Section, High Court, Madras.

+1cc to the Special Government Pleader Sr.102613

A.S.No.821 of 2010

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srg 06/08/2020



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