HIGH COURT LEGAL SERVICES COMMITTEE, CHENNAI
National Lok Adalat organised by the High Court Legal Services Committee

Saturday, the 14th day of September, 2019

NATIONAL LOK ADALAT AWARD

(Chapter VI and u/s 21 of Legal Services Authorities Act, 1987)

Presided over by

The Hon'ble Mr.JUSTICE P.THANGAVEL (Retd.)

and

Member

1. Mr. V.Arumugam, District Judge (Retd.,)
2. Mr. S.Kaithamalai Kumaran, Advocate

A.S. No.202 of 2018
and C.M.P.Nos.4097 and 4098 of 2018

Appeal against the Judgment and decree passed on 25.01.2008 made in L.A.O.P.No.806 of 2007 on the file of the Sub-ordinate Judge, Kancheepuram.

The Special Tahsildar (LA),
SIPCOT, Unit-IV,
Irungattukottai Schemes/
Sriperumbudur Schemes,
Irungattukottai, Sriperumbudur Taluk,
Kancheepuram District ...Appellant

Vs.

1.Soma Kanthimathi

2.The Chairman and Managing Director,
SIPCOT, 19A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600008. ...Respondents

This case has been listed today and came up for settlement before the Lok Adalat. Mr.J.Balagopal, Special Government Pleader, Learned counsel for the appellant and Mr.D.Sathyanarayanan and Mr.P.N.Udaya Kumar, the learned Counsels for the first respondent and Mr.Ramesh Venkatachalapathy learned counsel for the second respondent and parties are present. After mutual discussion, negotiation, mediation and conciliation between both parties, they arrived at a compromise to settle the matter as follows:

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TERMS OF SETTLEMENT

The Appeal in A.S.No.202 of 2018 pending on the file of High Court, Madras, preferred against the order passed by the learned Sub-ordinate Judge, Kancheepuram, has been referred to National Lok Adalat for conciliation today.

2. The Appellant assisted by his Counsel and the respondents assisted by their counsels are present before National Lok Adalat for conciliation today.

3. The land in question was acquired for the purpose of SIPCOT invoking Section 17(1) and 17(i) and 17(iv) of Land Acquisition Act as per G.O. Ms. No.61 Industries (MID 2) Department dated 24.02.97. The notice under Section 4(1) of land Acquisition Act issued in G.O. Ms. No.398 Industries (MID 2) dated 17.07.98 and vide publication of such Notification was published at pages 22 to 24 of the Extraordinary issue No.409 of Part II Section 2 of Tamil Nadu Gazette and was given in Tamil Daily "Malai Murasu"and "Kathiravan" dated 25.07.1998, besides the substance of the notification was published in the locality on 05.08.1998. After conducting statutory enquiry, the Land Acquisition officer, viz., the appellant herein, made a draft declaration under Section 6 of the Land Acquisition Act 1894 and such declaration was issued in G.O. Ms. 569 Industries (MID 2) dated 08.09.1998 and vide publication was given in Tamil Nadu Gazette No.522 dated 08.09.1998 in Extraordinary Issue Part II Section 2 dated 08.09.1998 and vide publication given in Tamil Dailies "Madurai Mani" and "Dhina Boomi" dated 13.09.1998, besides publication in the locality on 29.10.1998. The draft direction under Section 7 of the Land Acquisition Act was

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approved by the District Collector, Kancheepuram on 09.11.1993 and was published in the locality on 18.11.1998.

4. The fact remains that the lands notified for acquisition was duly demarcated, surveyed and measured by the Sub-Inspector of survey and none has made any objection for the same. Thereafter, notice under Section 9(3) and 10 of Land Acquisition Act was published in the village on 08.01.1999 and notice under Section 9(3) and 10 of the said Act were issued to the land owners and persons interested were served as per the Land Acquisition Act.

5. The appellant, the Land Acquisition Officer after considering the materials collected by him and after perusing the same, classified the lands as dry lands as per revenue records. After taking into consideration the user of the lands, the appellant has arrived the value of the land acquired, at Rs.350/- per cent, even though the claimants and interested persons claim the compensation ranging from Rs.10,000/- to 20,000/- per cent. Since the land owners and interested persons have objected to the compensation fixed by the appellant, the acquisition officer has referred the matter to the Tribunal viz., the learned Sub-ordinate Judge, Kancheepuram, for enhancement of compensation.

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6. The first respondent/claimant is the owner of land measuring about 2400 S.F in survey no.374/1B at Sandavelore Village, Sriperumbudur TK, Kancheepuram District. He was awarded a compensation of Rs.350/- per cent by the Land Acquisition Officer, viz., the Appellant herein. In the appeal before the Learned Sub-ordinate Judge, Kancheepuram, the compensation amount was

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revised and fixed at Rs.5,300/- per cent. Against this fixation of the compensation by the Tribunal/the Sub-ordinate Judge, Kancheepuram, Land Acquisition Officer/ the appellant herein has come forward with this appeal.

7. The parties appearing on either side assisted by their respective counsel discussed the matter before this Forum. In the light of the compensation fixed by the Hon'ble High Court of Madras and also the Hon'ble Supreme Court of India for the land acquired for the very same scheme in the same village, the land owners and the appellant agreed to fix the compensation at Rs.4,000/- per cent along with an additional amount of 12% per annum from the date of notification issued under Section 4(1) of the Land Acquisition Act, till the date of Award of the Referring Officer, or taking possession of the land, whichever is earlier, with solatium of 30% and interest at 9% for one year from the date of taking possession and thereafter, 15% per annum till the date of deposit of the compensation of the amount before the competent Court.

8. Admittedly, the above said award amount is deposited by the authority concerned. The said amount had already been withdrawn by the land owners and interested person. The appellant as well as Sipcot has agreed to deposit the compensation amount less the amount already deposited before the competent Court within 30 days from the date of drafting of the decree by the Hon'ble High Court.

9. In view of the compromise arrived at between both parties, the Lok Adalat hereby declare and decree that the SIPCOT shall deposit the

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compromised amount less amount already paid and received by the claimant/first respondent/beneficiary within 30 days from the date of drafting the decree and the owner of the land/interested persons/beneficiary shall receive the amount immediately from the competent Court without filing any formal petition. No order as to costs. Award is passed accordingly. Consequently, the connected Miscellaneous Petitions are closed. Fees for Special Government Pleader (AS) shall be paid separately for each appeal.

The Special Tahsildar (LA),
SIPCOT, Unit-IV,
Irungattukottai Schemes/
Sriperumbudur Schemes,
Irungattukottai, Sriperumbudur Taluk,
Kancheepuram District — Counsel for the Appellant

Soma Kanthimathi — Counsel for the 1st Respondent

The Chairman and Managing Director,
SIPCOT, 19A, Rukmani Lakshmipathy Road,
Egmore, Chennai – 600008. — Counsel for the 2nd respondent

This National Lok Adalat award is passed in terms of the above settlement.

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Judge

Member Member

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P.THANGAVEL, J.(Retd.)

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To:

The parties/Advocate concerned

Copy to:

1. The Sub-ordinate Judge, Kancheepuram.
2. The Secretary, High Court Legal Services Committee, Chennai.
3. The Section Officer, V.R.Section, High Court, Madras.
4. The Section Officer, Lok Adalat Section, High Court, Madras. + 2 copies

A.S. No.202 of 2018

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