

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.51 of 2018

1.Kolantha Kounder [Deceased]

2.Ponnusamy

[2nd appellant brought on record as
LR of the deceased sole appellant
vide order of Court dated 16.09.2019
made in C.M.P.No.18177 of 2019
in A.S.No.51 of 2018] ... Appellants/Claimants

Vs

1.The Special Tahsildar,
Land Acquisition,
Bye Pass Road,
Namakkal.

2. The Section Engineer,
National Highways Department,
Namakkal. ... Respondents/Respondents

First Appeal filed u/s.54 of the Land Acquisition Act
against the judgment and decree of Additional District &
Sessions Judge, Fast Track Court III, Namakkal, passed in
L.A.O.P.No.30 of 2002 dated 14.06.2004.

For Appellants : Mr.N.Umapathy

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

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JUDGMENT

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

This appeal has been filed u/s.59 of the Land Acquisition
Act questioning the correctness of the Judgment and Decree
passed in L.A.O.P.No.30 of 2002 dated 14.06.2004. By the said
judgment dated 14.06.2004, the Judge, Fast Track Court III,
Namakkal, had awarded a sum of Rs.12/- per sq.ft. as
compensation for the lands acquired from appellants.

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 very same 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 appellants prays this Court to enhance the compensation. Learned Special Government Pleader appearing for respondents is also agreeable to enhance the compensation from Rs.12/- to Rs.67/- per sq.ft.

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, this Court is inclined to enhance the compensation from Rs.12/- to Rs.67/- per sq.ft. for the acquired lands.

5. Accordingly, the compensation of Rs.12/- per sq.ft. awarded by Fast Track Court III, Namakkal, is enhanced to Rs.67/- per sq.ft. for the acquired lands.

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

Sd/-
Assistant Registrar (CS-V)

//True copy// सत्यमेव जयते

Sub Assistant Registrar

gm

To

The Additional District and Sessions Judge,
Fast Track Court No.II, Namakkal

+1cc to Mr.N.Umapathy, Advocate SR.No.80575

+1cc to Special Government Pleader SR.No.80455

A.S.No.51 of 2018

TM (CO)

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GMI (03/03/2020)

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