

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-12-2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

A.S.Nos.573 to 579 of 2017

And

C.M.P.Nos.19087, 19089, 19091, 19093, 19095, 19097 and 19099 of 2017

The Special Tahsildar,
(The Land Acquisition),
SIPCOT Unit,
Sriperumbudur. ... Appellant/Referring Officer in all Appeal Suits

vs.

S.Gnanambal ...1st Respondent/Claimant in AS 573/2017

Pattammal ...1st Respondent/Claimant in AS 574/2017

Balakrishnan Reddy
...1st Respondent /Claimant in AS 575,576&578/2017

Dorakan ... 1st Respondent/Claimant in AS 577/2017

Egambaram ...1st Respondent /Claimant in AS 579/2017

The Managing Director,
SIPCOT,
Egmore,
Chennai-8. ...2nd Respondent/Beneficiary in all Appeal Suits

Appeal Suits preferred under Section 54 of the Land Acquisition Act, against the common judgment and decree dated 26.10.2006 made in LAOP Nos.570 of 2003, 8, 10, 11, 13, 22 and 25 of 2004 on the file of the Additional District Judge, Fast Track Court No.V, Chengalpet.

For Appellant in all Appeal Suits: Mr.J.Bala Gopal,
Special Government Pleader
(Appeal Suit).

For R-1 in all Appeal Suits : Mr.A.S.Vijay Anand

For R-2 in all Appeal Suits : Mr.Ramesh Venkatachalapathy

C O M M O N J U D G M E N T

The appeal suits are preferred against the common judgment and decree dated 26.10.2006 passed by the learned Additional District Judge, Fast Track Court No.V, Chengalpet in LAOP Nos.570 of 2003, 8, 10, 11, 13, 22 and 25 of 2004.

2. The Special Tahsildar (Land Acquisition), SIPCOT Unit, Sriperumbudur is the appellant in all the first appeals, the claimants are the first respondent and the beneficiary, namely, the Managing Director, SIPCOT, Egmore, Chennai-8 is the second respondent in all the first appeals.

3. The Land Acquisition Officer fixed the compensation amount of Rs.250/- per cent and the said compensation amount was enhanced to a sum of Rs.3,850/- per cent by the Trial Court. Challenging the said enhancement, the Special Tahsildar (Land Acquisition) preferred these appeal suits.

4. Various grounds are raised by the appellant and the learned Special Government Pleader appearing on behalf of the appellant made a submission that the issues raised in these batch of appeal suits were already decided by the Hon'ble Division Bench of this Court in the case of Special Tahsildar (Land Acquisition), SIPCOT Unit, Sriperumbudur vs. Sundari Bai and Another [2009 SCC OnLine Mad 2459] and the relevant paragraphs 10, 11 and 12 of the Hon'ble Division Bench judgment of this Court, cited supra, are extracted hereunder:-

"10. Having regard to the above factors, we are of the considered opinion that for fixing the land value as stated by us earlier, it will be safe to rely upon the sale deed dated 1.12.1995 in respect of Survey No. 354/3 which land is also located in the very same Katrambakkam village which was marked as Ex.C.6 in the earlier batch of cases as referred above. Though this document has not been marked in the present case, we are inclined to take note of this document for arriving at a fair market value, and there is no serious objection by the learned counsel appearing for the parties to this course of action to be adopted. Further, the acquisition covers an area of 117 hectares, and hence we are of the view that in order to apply a uniform sale value, a moderation can be made to the sale value covered by the said Ex.C.6. In our considered opinion, the price of Rs. 4,600 per cent can be reduced by 20%

of the value by way of moderation. On that basis, if worked out, the sale value comes to Rs. 3,680/- per cent. As stated by us, the development of the land had to be made by the SIPCOT after the acquisition for which Requisitioning Body had to incur substantial amount. As held by the Hon'ble the Supreme Court in various decisions, having regard to the extensive development that had taken place after the acquisition, we are of the considered opinion that the percentage applied in respect of Aaraneri village which is also located 34 K.Ms. away from City of Chennai, can be applied to the case on hand. In that case, for development charges 43% was deducted for arriving at the net market value of the land. Applying the same principles and the rate of reduction at 43% on the sale value of Rs. 3,680/- applicable sale value works out to Rs. 2098/- which can be rounded-off to Rs. 2,100/- per cent.

11. As far as the decision relied upon by learned counsel for the claimants are concerned, we find that since the same were involved in the special facts of those cases, the same cannot be applied to the facts of the present case.

12. To sum up in the result, all the appeals are partly allowed as indicated below:-

(a) the land value in all these appeals are fixed at Rs. 2,100/- per cent with 30% solatium.

(b) the claimants are entitled to 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;

(c) the claimants are entitled to 9% interest for the first year from the date of taking possession of the land and 15% for every subsequent year, on the amount calculated as market value till the date of deposit;

(d) Any excess amount deposited, after satisfying the above award, is permitted to be withdrawn by the appellant in all the appeals.

(e) Learned Special Government Pleader (AS) and learned counsel appearing for SIPCOT shall be entitled to separate fees for each of the Appeals;

(f) there shall be no order as to costs.

(g) All the connected miscellaneous petitions are closed."

5. The learned counsel appearing on behalf of the respondents/claimants made a submission that the development charges are to be reduced and even enhancement is to be made as done in other land acquisition proceedings.

6. This Court is of an opinion that such contentions deserve no consideration at this length of time. In view of the fact that in respect of the very same acquisition, the enhancement granted by the Trial Court is confirmed by the Hon'ble Division Bench of this Court with certain modifications, as stated supra. Thus, this Court has to follow the same in order to maintain consistency in the matter of award of just compensation to the respondents/claimants, who all are similarly placed.

7. In view of the fact that the Hon'ble Division Bench of this Court has decided the very same issue in respect of the acquisition proceedings in the same location, the said Division Bench order is to be followed in all these appeal suits. Accordingly, all the appeal suits are disposed of with a direction to extend and implement the order of the Hon'ble Division bench of this Court passed in the case of the Special Tahsildar (Land Acquisition), SIPCOT Unit, Sriperumbudur vs. Sundari Bai and Another [2009 SCC Online Mad 2459], to the respondents/claimants.

8. The appellant as well as the second respondent are directed to settle the compensation and all other benefits to the respondents/claimants, within a period of twelve weeks from the date of receipt of a copy of this common judgment.

9. Accordingly, all the appeal suits stand partly allowed in terms of the orders of the Hon'ble Division Bench of this Court, cited supra. However, there shall be no order as to costs. Consequently, connected civil miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS-III-MDU)

//True copy//

Sub Assistant Registrar

Svn

To

The Additional District Judge,
Fast Track Court No.V,
Chengalpet.

Copy To
The Section Officer,
VR Section, High Court, Madras

+2ccs to Mr.A.S.Vijay Anand, Advocate SR.No.106023

+7cc to Mr.Ramesh Venkatachalapathy, Advocate SR.No.106406

+1cc to Special Government Pleader SR.No.106637

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GMY(24/08/2020)

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