



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2019

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH
and
THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI

A.S.No.813 of 2019

Revenue Divisional Officer,
Tiruvannamalai.

... Appellant

Vs

1. Madhar Sahib (died)

2.Mariyambee
W/o.Madhar Sahib

3.Munaf Babu
S/o.Madhar Sahib

4.**J**aleel Basha [Died]
S/o.Madhar Sahib

5.M.Babu
Son-in-law of Madhar Sahib

6.Nizar Ahamed
S/o.Babu

7.John Basha
S/o.Babu

8.Sumiya Banu
D/o.Babu

9.Safia Bee
D/o.Madhar Sahib

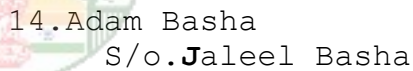
(Claimants 2 to 9 were added as LRs
of the deceased 1st claimant as per
the order in I.A.No.71/09 dated 22.12.2009)

10.Kurshith
W/o.**J**aleel Basha

11.Suriya
D/o.**J**aleel Basha

12.Birdhosh
D/o.**J**aleel Basha

13.Akbar Basha
S/o. **J**aleel Basha



15.Mohammed Ali
S/o. **J**aleel Basha

(Respondents 10 to 15 were added as LRs of the deceased R4 as per the order dated 24.10.2019 passed in C.M.P.No. 22872/2019 in A.S.Sr.No.125139/2019) ... Respondents

(Respondents 10 to 15 LRS of deceased R4 Jaleel Basha, Cause title amended as per order in CMP.15693/21, dated 06.10.2021)

First Appeal filed u/s.54 of the Land Acquisition Act against the judgment and decree dated 05.02.2010 passed in L.A.O.P.No.12 of 2002 on the file of learned Principal Subordinate Judge, Tiruvannamalai.

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

For Respondents: Mr.R.Rajarajan

JUDGMENT

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

The Revenue Divisional Officer, Tiruvannamalai, has filed this appeal u/s.54 of The Land Acquisition Act questioning the correctness of the Judgment and Decree dated 05.02.2010 passed in L.A.O.P.No.12 of 2002 on the file of learned Principal Subordinate Judge, Tiruvannamalai. By the said Judgment, learned Principal Subordinate Judge, Tiruvannamalai, had enhanced the compensation awarded by the Land Acquisition Officer from Rs.0.63 to Rs.65/- per square feet for the lands acquired from the respondents herein.

2. The land in question was acquired for construction of Master Plan Complex and Collectorate Plan Complex in Tiruvannamalai District. When the appeal suit is taken up for hearing today, learned counsel for appellant brought to our notice the judgment dated 26.04.2018 passed by the Division Bench of this Court in A.S.Nos.32 to 44 of 2018 and submitted that the present issue is covered by the said judgment. By the aforesaid judgment, the Division Bench of this Court, after analysing the materials placed on record, modified the award passed by learned Principal Subordinate Judge, Tiruvannamalai, from Rs.63/- to Rs.57/- per square feet.

3. By referring to the judgment dated 26.04.2018 passed by the Division Bench of this Court, mentioned supra, learned counsel for appellant as well as learned counsel for land owners/respondents submitted that appellant as well as respondents are agreeable for modifying the compensation amount awarded by the learned Principal Subordinate Judge,



Tiruvannamalai, from Rs.65/- per square feet to Rs.57/- per square feet, as has been held by the Division Bench of this Court in the connected cases mentioned supra.

4. Having regard to the Judgment dated 26.04.2018 passed by the Division Bench of this Court in A.S.Nos.32 to 44 of 2018 in connected matters, modifying the award amount from Rs.63/- per sq.ft. to Rs.57/- per sq.ft., we are inclined to modify the judgment dated 05.02.2010 passed in L.A.O.P.No.12 of 2002 on the file of learned Principal Subordinate Judge, Tiruvannamalai, by reducing the compensation amount from Rs.65/- to Rs.57/- per square feet for the acquired lands.

5. Accordingly, the Judgment and Decree dated 05.02.2010 passed in L.A.O.P.No.12 of 2002 on the file of learned Principal Subordinate Judge, Tiruvannamalai, is modified by reducing the compensation amount awarded at Rs.65/- per square feet to Rs.57/- per square feet. The land owners are entitled to interest and solatium as per the provisions of the Land Acquisition Act. Appellant shall pay the amount of compensation to the land owners within a period of twelve weeks from the date of receipt of this judgment.

The Appeal Suit is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CO) 07/01/2020

***Cause title amended as per order
in CMP.15693 of 2021 in
dated 06/10/2021 A.S.No.813 of 2019
Sd/-**

Assistant Registrar(CO) 16/11/21

//True copy//

Sub Assistant Registrar

gm

To

The Principal Subordinate Judge,
Tiruvannamalai.

Coopy To:
The Section Officer, VR Section,
High Court, Madras

**To be this order already
despatched on 20.01.2020**

+1cc to Mr.R.Rajarajan, Advocate SR.No.99794

A.S.No.813 of 2019

CNR(CO)
GMY(20/01/2020)
CB(16/11/2021)