

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.12.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

A.S.Nos.839, 841, 842, 986 and 987 of 2019

Revenue Divisional Officer,
Tiruvannamalai.

.. Appellant in
all the appeals

Vs

Absalbeig

.. Sole Respondent in
A.S.No.839 of 2019

A.Chinnappan

.. Sole Respondent in
A.S.No.841 of 2019

Kuppusamy

.. Sole Respondent in
A.S.No.842 of 2019

Pushpavathy Ammal

.. Sole Respondent in
A.S.No.986 of 2019

V.Manickam

.. Sole Respondent in
A.S.No.987 of 2019

Appeals preferred under Section 54 of the Land Acquisition Act, 1894 against the judgment and decree on the file of the Principal Subordinate Judge, Tiruvannamalai in L.A.O.P.Nos.68/2001, 58 and 59 of 2001 dated 05/02/2010, 03.02.2010, 03/02/2010 and L.A.O.P.Nos.121 and 119 of 2000 dated 02.02.2010 respectively.

For Appellant .. Mr.J.Balagopal,
Spl. Govt. Pleader in all the appeals

For Respondent .. Mr.R.Rajarajan in all the appeals

COMMON JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

Challenging the judgment and decree passed by the Principal Subordinate Judge, Tiruvannamalai in L.A.O.P.Nos.58 and 59 of 2001 dated 03.02.2010 L.A.O.P.No.68 of 2001 dated 05.02.2010 and L.A.O.P.Nos.121 and 119 of 2000 dated 02.02.2010 respectively, these appeals have been filed.

2.We have heard Mr.J.Balagopal, learned Special Government Pleader appearing for the appellant in all the appeals and Mr.K.Rajarajan, learned counsel appearing for the respondent in all the appeals.

3.Learned counsel appearing for the parties submit that the issue involved in these appeals is covered by the judgment of this Court dated 26.04.2018 in A.S.Nos.32 to 44 of 2018. In the said judgment, it has been held as follows:

6.The learned Special Government Pleader appearing on behalf of the appellants and the learned counsel for the respondents by producing the judgment dated 3 August 2015 in A.S.Nos.134 to 144 of 2013 etc., batch submitted that the issue is covered by the said judgment.

7.We have perused the judgment dated 3 August 2015 referred to above. The connected Awards passed by the Principal Subordinate Court, Tiruvannamalai were the subject matter in those appeals. The Division Bench after considering the entire matter reduced the compensation from Rs.63/- per sq.ft. to Rs.57/- per sq.ft. together with interest and solatium. Since the present appeals are part of the earlier Awards passed by the very same Court, the land value should be fixed in accordance with the said Award.

8.Accordingly, by following the judgment dated 3 August 2015 in A.S.Nos.134 to 144 of 2013 etc., batch, we set aside the Award passed by the learned Principal Subordinate Judge, Tiruvannamalai. We modify the Award to the effect that the compensation payable for the land in question would be Rs.57/- per sq.ft. The land owners are entitled to interest and solatium as per the provisions of the Land Acquisition Act. The appellant shall pay the amount of compensation to the land owners within a period of 12 weeks from the date of receipt of a copy of this judgment.

9.The first appeals are allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petitions are closed. the learned Special Government Pleader (AS) is entitled to separate fees.

4.In such view of the matter, these appeal suits stand allowed by setting aside the awards passed by the Reference Court. There shall be an Award to the effect that the compensation payable for the lands of the respondents would be Rs.57/- per sq.ft. The respondents are also entitled for interest and solatium as per the provisions of the Land Acquisition Act. The appellant shall pay the amount of compensation along with interest as aforesaid within a period of twelve weeks from the date of receipt of a copy of this judgment.

5.In the result, these appeal suits are allowed. No costs. The learned Special Government Pleader (A.S.) is entitled to separate fees.

Sd/-
Assistant Registrar (CS-VIII)

//True copy//

Sub Assistant Registrar

mmi

To

1.The Principal Subordinate Judge,
Tiruvannamalai.

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

A.S.Nos.839, 841, 842,
986 and 987 of 2019

RV (CO)
GMY (24/02/2020)

WEB COPY