

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2020

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

A.S.No.362 of 2010

Special Tahsildar,
(Land Acquisition)
BHEL Unit,
Ranipet.

..Appellant/Referring Officer

Vs.

Munisamy

..Respondents/Claimant

Prayer : First Appeal filed under Section 54 of the Land Acquisition against the Judgment & Decree dated 25.09.1990 passed in L.A.O.P.No.208 of 1987 on the file of the learned Sub-Ordinate Judge, Arani.

For Petitioner : Mr.J.Balagopal
Special Government Pleader

ORDER

The appeal suit is filed against the judgment and decree passed in L.A.O.P.No.208 of 1987 dated 25.09.1990 on the file of the learned Sub-Ordinate Judge, Arani.

2. The Special Tahsildar, Land Acquisition, BHEL Unit, Ranipet, filed an appeal suit challenging the enhancement made.

3. The learned Special Government Pleader brought to the notice of this Court that the vested lands were acquired, during the relevant point of time. With reference to the acquisition proceedings under challenge in the present appeal suit, the compensation awarded by the trial Court at Rs.250/- per cent, was already confirmed by the Hon'ble Division Bench of this Court in A.S.No.757 of 1995 on 04.12.2002. However, fixation of compensation of Rs.250/- was with reference to other acquisition proceedings in the adjacent lands, which was acquired for the same purpose.

4. As far as the present first appeal is concerned, the land is not situated very close to those lands and therefore, the enhancement made cannot be held as ex-orbitant. The claimant has not preferred any appeal for further enhancement. This apart, the appellant had not served notice to the respondents. It is brought to the notice of this Court that

the sole respondent died and no steps were taken to implead the legal heirs for the past about 10 years.

5. Under these circumstances, this Court is of the opinion that the award passed by the learned Sub-ordinate Judge is to be confirmed and accordingly, the Judgment and decree dated 25.09.1990 passed in L.A.O.P.No.208 of 1987 is confirmed and consequently, the first appeal stands dismissed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

ssb

To

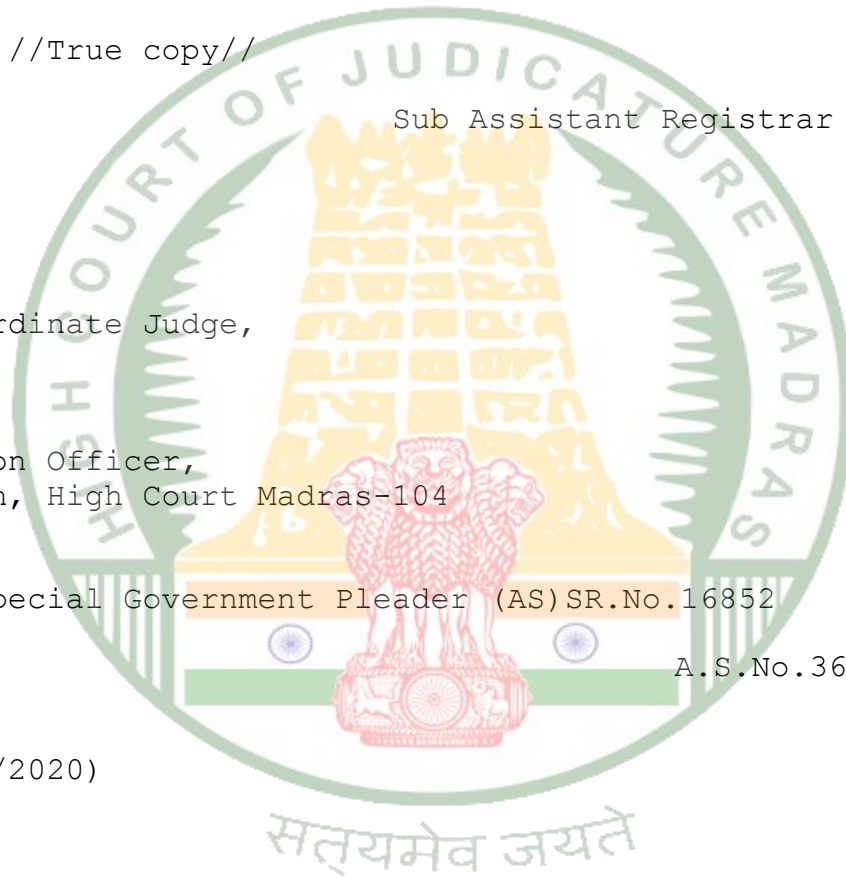
The Sub-ordinate Judge,
Arani.

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The Section Officer,
VR Section, High Court Madras-104

+1cc to Special Government Pleader (AS) SR.No.16852

A.S.No.362 of 2010

BS (CO)
GMY (26/08/2020)



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