

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.01.2020

CORAM

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

A.S.No.386 of 2010

The Land acquisition Officer and
Sub-Collector,
Hosur.

... Appellant/Respondent

Vs.

Venkattasamy

..Respondent/Claimant

PRAYRE: First Appeal filed against the Judgment & Decree of the learned Subordinate Judge of Hosur in L.A.O.P.No.759 of 1996, dated 26th March 1998.

For Petitioner : Mr.J.Balagopal, Spl.G.P.(AS)

For Respondent : No appearance

O R D E R

The judgment and decree dated 26th March 1996 in L.A.O.P.No.759 of 1998 is under challenge in the present Appeal Suit.

2. The facts in nutshell to be considered for the purpose of deciding the issues raised in this appeal suit are that the Land Acquisition Officer fixed the compensation of Rs.1,52,584/- per acre in respect of the land acquired from the claimant. The acquisition proceedings were referred under Section 18 of the Land Acquisition Act and the Subordinate Court, Hosur considered the documents produced by both the Land Acquisition Officer and the respective claimants.

3. The learned Special Government Pleader appearing on behalf of the appellant mainly contended that the enhancement made by the Land Acquisition Court (Subordinate Court, Hosur) is enormous. The trial court enhanced the compensation to Rs.3,76,133/- per acre without considering the documents produced by the Land Acquisition Officer. The Land Acquisition Officer himself considered various aspects, topography, the other sale deeds in respect of the very same location and fixed the compensation as Rs.1,52,584/- per acre. However, the trial court relied on the other judgments and enhanced the compensation to Rs.3,76,133/- per acre. None appeared on behalf of the respondent.

4. This court has carefully perused the findings of the trial court, wherein the findings has been made that in respect of the same location more specifically in the same survey numbers, the trial court delivered the judgment fixing

the compensation as Rs.3,76,133/- per acre based on the other sale deeds registered in respect of the adjacent property. It is found that the survey numbers are one and the same and the trial court already fixed the compensation in respect of the same acquisition proceedings after effecting 1/3rd deduction towards development charges.

5. In view of the fact that the acquisition proceedings and fixation of compensation earlier fixed by the court was followed in this judgment also, I do not find any perversity or infirmity. As the earlier judgment become final and the compensation was paid in respect of those claimants there cannot be different yardstick in fixation of just compensation in respect of same acquisition proceedings in the same survey numbers. This apart the acquisition proceedings are made nearby Hosur and the value of the property has escalated to higher extent and under these circumstances, this court is not inclined to re-consider the fixation of compensation as the said fixation is just compensation and there is no infirmity as such.

6. This being the facts and circumstances of the case, I do not find any acceptable ground for interfering with the findings of the trial court. Accordingly, the judgment and decree passed on 26th March 1998 in L.A.O.P.No.759 of 1996 is confirmed and consequently, the appeal suit in A.S.No.386 of 2010 stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

dsa

To

The Subordinate Judge, Hosur.

+1cc to the Special Government Pleader(AS), S.R.No. 3643

A.S.No.386 of 2010

KJ(CO)
GN(09/07/2021)