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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2020

CORAM

THE HONOURABLE MR. JUSTICE S.S.SUNDAR

A.S. No.816 of 2010
and M.P. No.1 of 2010

1.The Executive Engineer (PWD),
Krishna Water Supply Scheme,
Tiruvallur.

2.The Special Tahsildar (LA) Unit-4,
Krishna Water Supply Scheme,
Tiruvallur.

... Appellants

Versus

1.Saratha
2.Murugan
3.Illavar Palani (Minor)
Rep. by Guardian Saratha
4.Amsa
5.Chellammai
6.Murugammai

... Respondents

Appeal suit filed under Section 54 of Land Acquisition Act against the judgment and decree of the Additional District and Fast Track Court No.4 Judge of Poonamallee in L.A.O.P. No.433 of 1993 dated 22.01.2003.

For Appellants :Mr. J.Balagopal
Special Government Pleader (A.S.)

For Respondents 1,2,3,5 &6:Not ready in notice
4 :No appearance

JUDGMENT

This appeal is directed against the award of Land Acquisition Tribunal in L.A.O.P. No.433 of 1993 dated 22.01.2003.



2. Brief facts that are necessary for the disposal of this appeal are as follows:

An extent of 3.49.5 Hectare of land in Koil Padhagai Village, Saidapet Taluk, was acquired for the purpose of Krishna Water Supply Scheme. Notification under Section 4(1) of the Land Acquisition Act was issued on 14.10.1991. An extent of 0.05.0 hectare was acquired from the respondent claimants under the notification. The Land Acquisition Officer determined the market value at the rate of Rs.150/- per cent. The Tribunal enhanced the market value from Rs.150/- per cent to Rs.5,300/- per cent on the basis of two sale exemplars which is for an extent of 1800 Sq.ft. Aggrieved by the quantum fixed in a batch of Land Acquisition Original petitions, the Land Acquisition Officer and the Requisition Department has preferred the above appeal.

3. Learned Special Government Pleader appearing on behalf of the appellants submitted that the quantum of compensation has already been determined by the Division Bench of this Court in a batch of Appeal Suits arising out of the same notification and that the market value has been reduced from Rs.5,300/- per cent to Rs.3,710 per cent on the basis of several documents adduced in the batch of cases. Learned Special Government Pleader also produced before this Court the common judgment dated 30.04.2008 in a batch of First Appeals in A.S. No.707 to 721 of 2004 and other connected appeals. Since the division bench of this Court has already fixed compensation for the lands covered under same notification, this Court has no other option but to follow the same by fixing the market value for the acquired lands at the rate of Rs.3,710/- per cent. It is submitted further by the Special Government Pleader that no further appeal is preferred by the claimants in the batch of cases. Pendency of this appeal will cause further delay in disbursement of compensation.

4. Accordingly, the judgment and decree in L.A.O.P. No.433 of 1993 is modified by reducing the market value for the acquired lands from Rs.5,300/- per cent to Rs.3,710/- per cent. It is not in dispute that the extent of land acquired from the claimants is 0.05.0 Hectare. Since an extent of 12.35 cent has been acquired from the respondents / claimants, the respondents are entitled to a sum of Rs.45,818.5/- for the lands acquired. The respondents are also entitled to other statutory benefits as per the decree of the Land Acquisition Tribunal in L.A.O.P. No.433 of 1993.



5. This Appeal Suit is accordingly allowed and the award of Additional District and Fast Track Court No.4 Judge of Poonamallee in L.A.O.P. No.433 of 1993 dated 22.01.2003, is modified to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed. Registry is directed to send a certified copy of this order to respondents 1,2,4 and 5 or an intimation about the disposal of this appeal.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

bkn

To

1. The Additional District and Fast Track Court No.4 Judge,
Poonamallee.
- 2.The Executive Engineer (PWD),
Krishna Water Supply Scheme,
Tiruvallur.
- 3.The Special Tahsildar (LA) Unit-4,
Krishna Water Supply Scheme,
Tiruvallur.

Copy To:

4. Saratha W/O Late Natesan
No.6,Periyar Street, Valasaravakkam,
Chennai.
5. Murugan S/O Natesan
No.6,Periyar Street, Valasaravakkam,
Chennai.
6. Amsa W/O John,
Nambakkam Village
7. Chellammai W/O Samikhanu,
Koilpathagai Village,



Thiruvallur District.

8. The Section Officer,
V.R.Section, High Court,
Madras.

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+1cc to the Special Government Pleader(AS), S.R.No.37631

A.S. No.816 of 2010

PVS(CO)
SB(30/09/2021)