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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.01.2020

CORAM:

THE HONOURABLE MS.JUSTICE S.M.SUBRAMANIAM

A.S.Nos.44 & 45 of 2020
CMP.Nos.342 & 343 of 2020

1. The Special Tahsildar (LA),
Chennai Export Processing Zone,
Saidapet, Chennai - 15.

2. The Development Commissioner,
MEPZ, Kadaperi, Tambaram,
Chennai - 600 045.

.. Appellant/Referring
Officer/R2 in both A.S.

Vs.

1. Veeraraghavan
2. Minor Madavan
3. Minor Harini

.. Respondents/Claimants in
A.S.No.44 of 2020

(Minors rep. By Guardian and Father Veeraraghavan)

1. Baliah
2. Minor Nirmal
3. Minor Shyamala
4. Minor Uma Sankar
5. Minor Kishor
6. Minor Sarala

... Respondents/Claimants
in A.S.No.45 of 2020

(Minors rep. By Guardian and Father Baliah)

COMMON PRAYER: Appeals under Section 96 of the Code of Civil Procedure, 1908, against the judgment and decree made in LAOP No.480 of 1987 and 517 of 1987 respectively on the file of the Learned Subordinate Judge, Poonamalle dated 31.08.2000.



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For Appellants : Mr.J.Balagopal
[in both ASs.] Special Government Pleader

For Respondents : Mr.J.Antony Jesus
[in both ASs.]

COMMON JUDGMENT

The appeal suits are filed challenging the common judgment and decree passed in Land Acquisition Original Proceedings No.480 of 1987 and 517 of 1987 dated 31.8.2000.

2. The Land Acquisition Officer has fixed the compensation at Rs.145/- per cent. The said compensation was enhanced by the LAOP Court to Rs.4,875/- (Rupees Four Thousand Eight Hundred and Seventy Five only) based on the sale deed registered before the Office of the Registrar.

3. Challenging the said enhancement, the appeal suits are filed by the Special Tahsildar (Land Acquisition), Chennai Export Processing Zone, Saidapet, Chennai and this Court in respect of the other connected appeal suits, passed an order fixing the compensation as Rs.2,500/-(Rupees Two Thousand and Five Hundred only) per cent and accordingly, the said judgment was implemented. This Court fixed the compensation by considering the documents as well as the materials produced by the respective parties before the Court.

4. In respect of the above fact, the learned counsel for the appellant submitted the copy of the National Lok Adalat Award dated 11.04.2015, wherein the Special Tahsildar (LA), Chennai Export Processing Zone, Saidapet, Chennai also agreed for settlement. The terms of settlement are extracted hereunder:

"2. Today, the learned Additional Government Pleader has produced a letter issued by the Government of India, Ministry of Commerce and Industry, Department of Commerce, Office of the Development Commissioner, MEPZ SPECIAL ECONOMIC ZONE & HEOUs in Tamil Nadu, Pondicherry, Andaman & Nicobar Island, in No.3/EM/Consultant/E.M.e/355 dated 24.03.2015 thereby giving a proposal to the Lok Adalat for fixing Rs.2,500/- per cent as enhanced compensation to the land owners. The said letter shall form part of the record.



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3. As per the said letter, the appellant has agreed to pay Rs.2,500/- per cent with interest and solatium as compensation to the land owners/claimants as per the law laid down by the Hon'ble Supreme Court in Radha Mudaliyar V.Tahsildar (2010(13) SCC 384). The claimants agree for the same. Time for deposit is five weeks. The matter is thus settled. Therefore, award is passed in terms of the said compromise."

5. In view of the fact that in respect of the common judgment and decree regarding the acquisition proceedings in the same location, this Court has fixed the compensation at Rs.2,500/-(Rupees Two Thousand and Five Hundred only) per cent. This Court is of an opinion that the said judgment is to be followed in respect of the present appeal suits also.

6. Accordingly, the judgment and decree passed by the Trial Court in LAOP. Nos.480 of 1987 and 517 of 1987 dated 31.08.2000 is modified to the extent of reducing the compensation amount to Rs.2,500/- (Rupees Two Thousand and Five Hundred only) per cent. The appellants shall pay same to the land owners, within a period of twelve (12) weeks from the date of receipt of a copy of this judgment with all other statutory benefits.

7. With this modification, the appeal suits are allowed in part. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

Pkn.

To

The Subordinate Judge,
Poonamallee.

AS.Nos.44 & 45 of 2020

KS(CO)
SB(20/09/2021)