

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2020

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

**Second Appeal No.777 of 2010 and
M.P.No.1 of 2010**

(Heard through video conferencing)

1.The Collector of South Arcot,
Cuddalore.

2.The Special Land Acquisition Officer,
Harijan Welfare,
Cuddalore.

Arulsami
S/o Vanathian,
Kulakudi,
Cuddalore Taluk.

Vs

Appellants

... Respondent

Prayer:- This Second Appeal has been filed under Section 100 **C.P.C.**, against the judgment and decree dated 09.08.2002 made in **L.A.C.M.A.No.30** of 1996 on the file of the Subordinate Court, Cuddalore modifying the award dated 23.02.1996 made in Award No.4 of 1995-96 by the Special Tahsildar (ADW), Cuddalore.

For Appellants

:**Mr.N.Manikandan,**
Special Government Pleader

For Respondent : No Appearance

JUDGMENT

This second appeal is preferred by the State against the enhancement of compensation granted in faovur of the respondent herein for the land acquired under the Tamil Nadu Acquisition of Land for Harijan Welfare Schemes Act, 1978.

2.The land owned by the respondent to an extent of 0.07.5 hectares comprised in Survey No.35/11 at Karunguzhi Village, Cuddalore Taluk was acquired by the State under the said Scheme. For which, the Acquisition Authority has fixed compensation of Rs.7,329/-. Unsatisfied with the said award amount, an appeal was preferred in LCMA NO.30 of 1996 before the Land Acquisition Officer cum Special Tahsildar, (ADW) Cuddalore. The Special Court taking note of the sale deed dated 01.02.1993, as a guiding factor for fixation of market rate of the land in question has enhanced compensation to Rs.12,836.87/-.

3.The State has preferred the present Second Appeal on the ground that the sale deed taken as guidance to fix the market value of the property in question is

hardly six months ahead of the 4(1) Notification and subsequent to commencement of the acquisition proceedings made known to public. The contention of the State in this regard not been accepted by this Court while considering similar matter in Second Appeal No.776 of 2010 arising out of the very same acquisition proceedings. Hence, this Court find no merit to entertain this Second Appeal.

4.In the result, the Second Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index: Yes/No

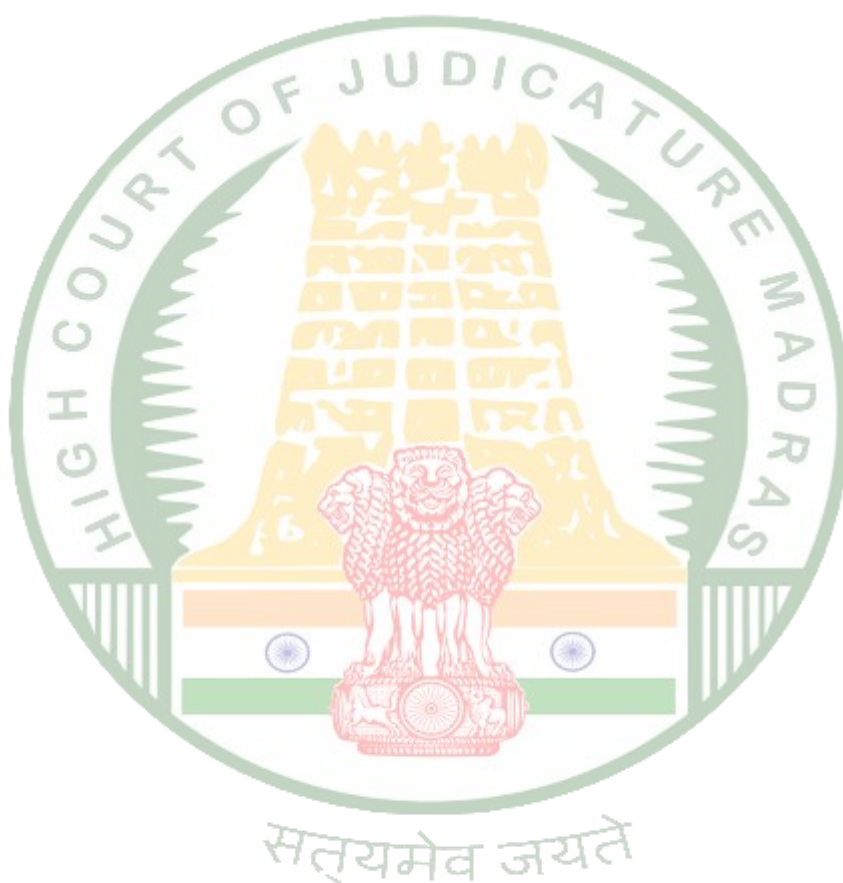
Speaking order/non speaking order

To

*1.The Subordinate Court,
Cuddalore.*

*2.The Special Tahsildar (ADW),
Cuddalore.*

17.08.2020

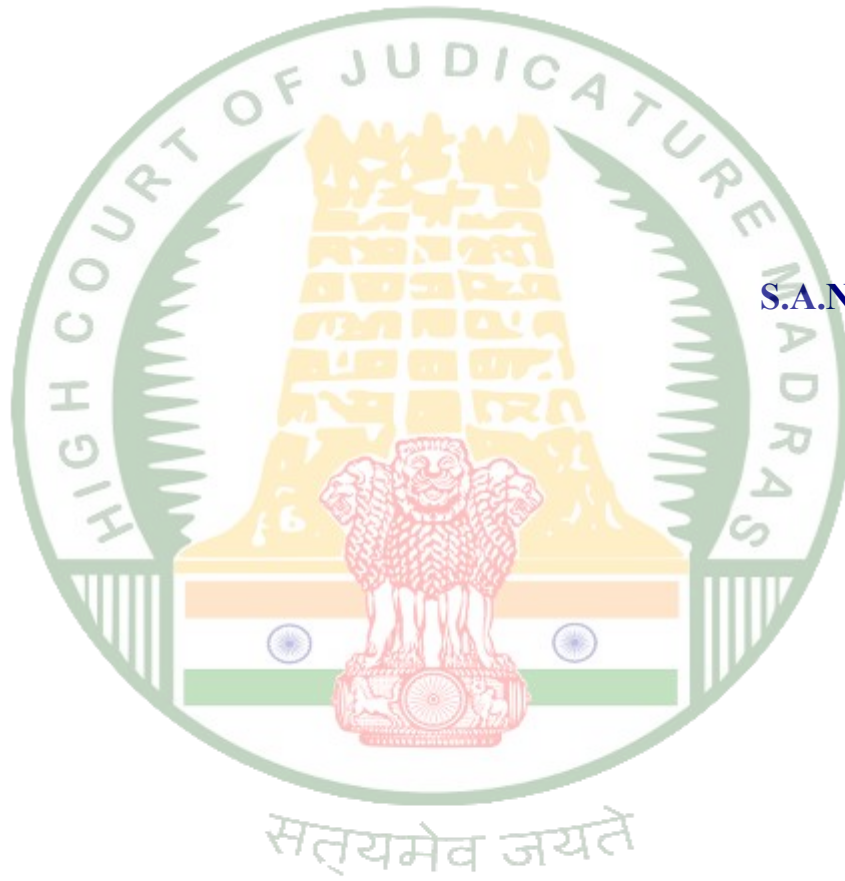


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S.A.No.777 of 2010

G.JAYACHANDRAN.J.,

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