

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2020

CORAM

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

A.S.No.521 of 2018,195,73,926,99 of 2019
C.M.P.Nos.13176 of 2018,7358,3145,3857,23637 of 2019
CROS.OBJ.Nos.8,23,16,21,15 of 2019

A.S.No.521 of 2018

The Special Tahsildar
Land Acquisition Unit-I
Outer Ring Road Project Phase-I,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8 now having office
at K.M.M.C.Building
Koyambedu Market
Koyembedu
Chennai-600092.

..Appellant/1st Respondent/ in Cross
Objection 8/2019 / 1st Respondent

Vs.

N.Varadhan (Died)
1.Indrani
2.Nirmala
3.Karunakaran
4.Kavitha
5.Saraswathi
6.Hariharan
7.Hemalatha

Respondent 1 to 7 in AS/Cross Objectors
In Cross Objection 8/2019/Claimants

8.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore,
Chennai-600 008.

..8th Respondent/2nd Respondent in Cross
Objection 8/2019 / 2nd Respondent

First Appeal filed under section 54 of Land Acquisition Act
and Cross Objection filed under Order 41 Rule 22 of CPC filed
against the Judgment & Decree dated 10.10.2017 passed in
L.A.O.P.No.2 of 2016 on the file of the Sub Court, Kancheepuram.

For Appellant in As & 1st Respondent
in Cross Objection

: Mr.J.Balagopal
Special Government Pleader

For R1 to R7 in AS & Cross Objector's in
Cross Objection 8/2019

: J.Ram

For R8 in AS & 2nd Respondent
in Cross Objection 8/2019

: Mr.Karthick Rajan

A.S.No.195 of 2019

The Special Tahsildar
Land Acquisition Unit-I
Outer Ring Road Project Phase-I,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8 now having office
at K.M.M.C.Building
Koyambedu Market
Koyembedu
Chennai-600092.

..Appellant/1st Respondent in Cross Objection
23/19 /1st Respondent

Vs.

1.A.Rajan
2.A.Rangan

... R1 & R2 in AS/Cross Objectors in Cross
Objection 23/19/ Claimants

3.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore,
Chennai -600008.

..3rd Respondent in AS/2nd
respondent in Cross Objection Objection 23/19 /
2nd Respondent

First Appeal Filed under Section 54 of Land Acquisition Acts and
Cross Objection Filed under Order 41 rule 22 of CPC filed
against the Judgment & Decree dated 10.10.2017 passed in
L.A.O.P.No.3 of 2016 on the file of the Sub Court, Kancheepuram.

For Appellant in AS.195/2019 &
1st Respondent in Cross

Objection 23/19 : Mr.J.Balagopal
Special Government Pleader

For R1 & R2 in AS.195/2019 &
For Cross Objection in

Cross Objection 23/2019 : Mr.J.Ram

For R3 in AS.No. 195/2019 & 2nd Respondent in
Cross Objection 23/2019

: Mr.Karthick Rajan

A.S.No.73 of 2019

The Special Tahsildar
Land Acquisition Unit-I
Outer Ring Road Project Phase-I,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8 now having office
at K.M.M.C.Building
Koyambedu Market
Koyembedu
Chennai-600 092.

..Appellant/1st Respondent
in Cross Objection 16/2019/ 1st Respondent

Vs.

L.Krishna Pillai (Died)
1.Saraswathi Ammal@ Sarasu
2.Renuka
3.K.Moorthy
4.K.Gopal
5.Menaka

... Respondents 1 to 5/Cross
Objectors in Cross Objection 16/2019/ Claimants

6.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore,
Chennai-600 008.

..6th Respondent/2nd Respondent in
Cross Objection 16/2019/2nd Respondent

First appeal filed under Section 54 of Land Acquisition Act and
Cross Objection filed under Order 41 rule 22 of CPC against the
Judgment & Decree dated 10.10.2017 passed in L.A.O.P.No.4 of
2016 on the file of the Sub Court, Kancheepuram.

For Appellant in AS.No.73/2019

& 1st Respondent Cross Objection 16/2019

: Mr.J.Balagopal

Special Government Pleader

For R1 to R5 in AS.No. 73/2019 &

For Cross Objectors in Cross

Objection 16/2019 : Mr.J.Ram

For R6 in AS.No. 73/2019 &

For R2 in Cross Objection 16/19 : Mr.Karthik Rajan

A.S.No.926 of 2018

The Special Tahsildar
Land Acquisition Unit-I
Outer Ring Road Project Phase-I,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8 now having office
at K.M.M.C.Building
Koyambedu Market
Koyembedu
Chennai-600 092.

..Appellant/1st Respondent in Cross
Objection 21/1999 /1st Respondent

Vs.

1.T.Shankar 1st Respondent/Cross Objector
in Cross Objection 21/99/ Claimant

2.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore,
Chennai-600 008. 2nd Respondent/2nd Respondent
in Cross Objection 21/99/2nd
respondent

First Appeal filed under Section 54 of Land Acquisition
Act and Cross Objection filed under order 41 rule 22 of CPC
filed against the Judgment & Decree dated 10.10.2017 passed in
L.A.O.P.No.7 of 2015 on the file of the Sub Court, Kancheepuram.

For Appellant in AS.No.926/2018
and 1st Respondent in
Cross Objection 21/99 : Mr.J.Balagopal
Special Government Pleader

For 1st Respondent in AS. 926/18
and For Cross Objector in : Mr.J.Ram

For 2nd Respondent in AS.No. 926/18 &
2nd respondent in Cross Objection 21/99 : Mr.Karthick Rajan

A.S.No.99 of 2019

The Special Tahsildar
Land Acquisition Unit-I
Outer Ring Road Project Phase-I,
Chennai Metropolitan Development Authority,
Egmore, Chennai-8 now having office

at K.M.M.C.Building
Koyambedu Market
Koyembedu
Chennai-600 092.

..Appellant/1st Respondent in
Cross Objection 15/19 /
1st Respondent

Vs.

Balu Pillai (Died)
1.B.Lakshmi
2.K.Vasanthakumari
3.V.Lalitha
4.G.Parimala
5.B.Venkatesan
6.P.Indira

... Respondents 1 to 6/Cross
Objectors in Cross Objection 15/2019/Claimants

7.The Member Secretary,
Chennai Metropolitan Development Authority,
Egmore,

Chennai-600 008. ...7th Respondent/2nd Respondent in
Cross Objection /2nd Respondent

First Appeal filed under Section 54 of Land Acquisition Act and
Cross Objection filed under Order 41 rule 22 of CPC against the
Judgment & Decree dated 10.10.2017 passed in L.A.O.P.No.8 of
2015 on the file of the Sub Court, Kancheepuram.

For Appellant
in AS.99/2019 : Mr.J.Balagopal
and 1st Respondent Special Government Pleader
in Cross Objection

For Respondents 1 to 6 in
AS.No. 99/2019 and
For Cross Objectors in Cross
Objection in 15/2019 : Mr.J.Ram

For 7th Respondent in AS.No. 99/2019
and for 2nd Respondent in
Cross Objection 15/2019 : Mr.Karthick Rajan

C O M M O N J U D G M E N T

The appeal suits on hand are filed challenging the
enhancement of compensation passed by the Sub-ordinate Court,
Kancheepuram in land acquisition original proceedings.

2. The learned Special Government Pleader made a submission

that the Land Acquisition Officer, with reference to the market value and by referring the documents, arrived at a conclusion and fixed the compensation of Rs.1,000/- per cent for the land acquired for implementing certain public schemes. The matter was referred to the L.A.O.P Court and the Sub-Ordinate Court adjudicated the issues and enhanced the compensation from Rs.1,000/- per cent to Rs.8,000/- per cent. Challenging the said enhancement, the land acquisition officer preferred these appeal suits on various grounds.

3. The learned Special Government Pleader brought to the notice of this Court that against the very same common award passed by the L.A.O.P Court, this Court passed an order in A.S.No.167 of 2011 dated 28.04.2011. In respect of very same common award, the judgment was delivered by this Court, partly allowing the appeal suit filed by the Land Acquisition Officer and accordingly, Rs.5,000/- per cent was fixed as compensation for the lands acquired together with other statutory payments viz., 30% solatium and interest at 12% per annum on solatium and other statutory benefits, for which, the land losers are entitled under the provisions of law. Accordingly, a direction was issued to calculate the total compensation and settle the same.

4. The learned counsel appearing on behalf of the respondents raised an objection by stating that during the relevant point of time, the appellants are not tagged along with the appeal suit decided by this Court. Further, the land losers, after so many years lapse, are unable to get their compensation and the lands acquired are valuable lands and fixation of compensation itself is lesser than that of the actual value. He has filed cross objections also. The learned counsel for the respondents reiterated that even the compensation of Rs.5,000/- per cent is not appropriate and it is to be enhanced as the Sub-ordinate Court fixed Rs.8,110/- per cent as compensation.

5. This Court is of the considered opinion that the grounds as well as the issues raised were considered by this Court in A.S.No.167 of 2011 and the judgment was delivered, fixing the compensation as Rs.5,000/- per cent. The judgment was delivered in the year 2011. The lands were acquired in the year 1998, already 22 years lapsed. Thus, any further consideration would lead to opening a Pandora's box and all other land losers who received their compensation will also attempt to approach the Court law for enhancement and the Courts cannot consider their claim after the lapse of so many years. In respect of compensation, a constitutional is to be maintained. Once the High Court fixed the compensation as Rs.5,000/- per cent, the said compensation is to be paid uniformly to all the land losers and the authorities competent has to settle the same as expeditiously as possible.

6. This Court is of the considered opinion that when such

common awards are passed by the L.A.O.P Court, and the appeal suits are filed by the Land Acquisition Officer, the duty officials as well as the office of the Government Pleader should ensure that all such cases are tagged together and listed before the appropriate Court for hearing and disposal. Contrarily, they are not taking care in tagging all these matters and in the event of allowing the filing of appeals in piecemeal, there is a possibility of injustice to the parties and on account of lapse of time, the land losers are also denied their right of compensation in time. Such actions of the Land Acquisition Officers as well as the office of the Government Pleader are to be deprecated. The Land Acquisition Officers are also duty bound to report to the office of the Government Pleader, who in turn, should ensure that all such appeals arising on account of common awards are heard by the Court and disposed of as expeditiously as possible. Thus, it is made clear that hereafter, the land acquisition officers have to be prompt in the matter of tagging all these cases and the Government Pleader must also take steps to list the matters before the same Court for passing orders. As far as the present appeals are concerned, this Court already passed an order and fixed a sum of Rs.5,000/- per cent along with other statutory benefits. The judgment was delivered in the year 2011 and the respondents in the present appeals are entitled for compensation, as per the rules in-force.

7. This being the factum, the appeal suits are to be allowed in part. Accordingly, the compensation ordered by the Reference Court is modified and it is hereby directed that the land losers/claimants are entitled to get a sum of Rs.5,000/- per cent towards the compensation for the lands acquired, together with other statutory payments viz., 30% solatium and interest at 12% per annum on solatium and all other statutory benefits, for which, the land losers/claimants are entitled as per law. The appellant is directed to calculate the compensation as directed in this judgment and pay the same to the land losers/claimants directly within a period of twelve weeks from the date of receipt of a copy of this order. Accordingly, the appeal suits are allowed in part and cross objections stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO MDU)

//True Copy//

Sub Assistant Registrar

Ssb

To

The Sub Judge,
Kancheepuram.

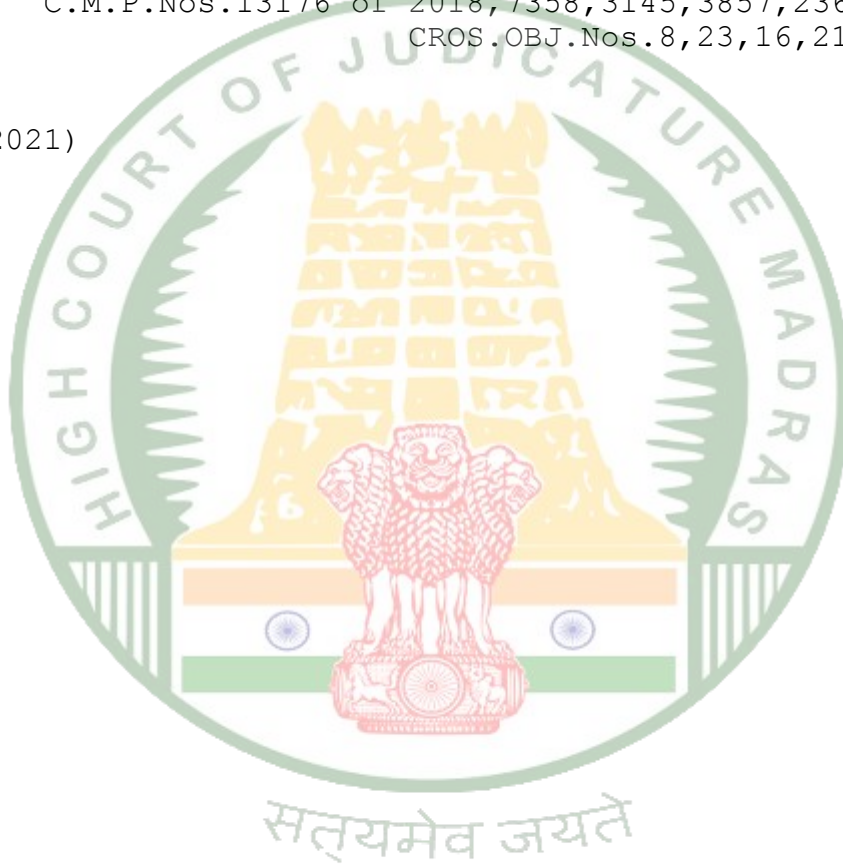
+8cc to Mr.J.Ram, Advocate, S.R.No. 2784, 2785, 2786 & 2788

+1cc to Mr.Karthick Rajan, Advocate, S.R.No. 1835

+2cc to the Special Government Pleader(AS), S.R.No. 1949 & 1954

A.S.No.521 of 2018,195,73,926,99 of 2019
C.M.P.Nos.13176 of 2018,7358,3145,3857,23637 of 2019
CROS.OBJ.Nos.8,23,16,21,15 of 2019

TM(CO)
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