

CMP.Nos.8031 to 8035 of 2017 respectively in AS.Nos.6 to 10 of 2009

T.S.SIVAGNANAM,J
AND
V.BHAVANI SUBBAROYAN,J

COMMON ORDER
(Order of the Court was made by T.S.SIVAGNANAM,J)

These petitions have been filed by the petitioner for modification of the common judgment and decrees dated 23.12.2009. By the said common judgment and decrees, A.S.Nos.3 to 10 of 2009 were allowed in part. The common judgment dated 23.12.2009 reads as follows :

"All these appeals have been preferred by the Special Tahsildar (Land Acquisition), SIPCOT Unit, Sriperumbudur challenging the judgments and decrees dated 30.10.2006 made in LAOP.Nos.195 of 2004, 61, 88 and 112 to 116 of 2005.

2. It is submitted by the learned counsel appearing for the appellants and the learned counsel appearing for the first respondent in all the above appeals that in a similar batch of appeals, viz. A.S.No.331 of 2006 etc. batch, this Court, by judgment dated 30.11.2009, partly allowed the appeals and passed the following order :

(a) The land value in all these appeals are fixed at Rs.2,100/- per cent with 30% solatium;

(b) The claimants are entitled to an additional amount of 12% per annum from the date of notification issued under Section 4(1) of the Land Acquisition Act, till the date of award of the Referring Officer or taking possession of the land, whichever is earlier;

(c) The claimants are entitled to 9% interest for the first year from the date of taking possession of the land and 15% for every subsequent year, on the amount calculated as market value till the date of deposit;

(d) Any excess amount deposited, after satisfying the above award, is permitted to be withdrawn by the appellant in all the appeals; and

(e) Learned Special Government Pleader (AS) and the learned counsel appearing for SIPCOT shall be entitled to separate fees for each of the appeals

3. Following the aforesaid judgment in A.S.No.331 of 2006 etc. batch dated 30.11.2009, the present appeals are also allowed in part on the same terms indicated above."

2. It is submitted by the learned counsel for the petitioner/land loser that in paragraph 2(a) of the common judgment dated 23.12.2009, the land value has been mentioned as Rs.2,100/- per cent with 30% solatium

whereas in all the other connected appeals similar to these appeals, the land value was fixed at Rs.3,000/- per cent with 30% solatium. It is submitted by the learned counsel that this is a typographical error, that the common judgment may be modified accordingly and that the land value may be fixed at Rs.3,000/-.

3. Mr.J.Bala Gopal, learned Special Government Pleader (AS) appearing for the first respondent in all these appeals submits that the contention raised by petitioner is correct, that the land value was fixed in all the other connected appeals as Rs.3,000/- per cent and that this Court may accordingly modify paragraph 2(a) of the common judgment dated 23.12.2009.

4. In the light of the said submission made by the learned Special Government Pleader, these petitions are allowed and the common judgment dated 23.12.2009 in so far as it relates to paragraph 2(a) is modified as follows :

"The land value in all these appeals are fixed at Rs.3,000/- per cent with 30% solatium."

In respect of the other directions issued, there is no modification.

RS

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